

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 153 of 2016

Nitesh Pandey S/o Late Jagatnarayan Pandey Aged About 25
Years R/o Patiyala House, Shanti Nagar, Vaishali Nagar Chowk,
Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Durg, District
Durg, Chhattisgarh.

---- Respondent

For applicant – Shri Vivek Singhal, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

29/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 22/2016 registered at Police Station Mohan Nagar, Durg (C.G.) for offence punishable under Section 498A/34 of Indian Penal Code and Section 4 of Dowry Prohibition Act.

2. As per the prosecution case complainant was married to applicant on 13/11/2015. Subsequently, she was subjected to torture for demand of dowry and applicant used to burn different parts of her body by cigarette. Thereafter, report was made and it was stated that the applicant was in relation with the complainant and for three years when he was pressurized, he performed marriage in order to avoid any further complication in further criminal case. Subsequently, after marriage torture started.

3. Learned counsel for the applicant submits that complainant stayed only for two days with the applicant and thereafter she of her own had left the company of the applicant. Therefore, an application was filed under

Section 9 of the Hindu Marriage Act. He submits that applicant has been falsely implicated in the case, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have perused the statement and the report made by complainant. Primary report which shows that complainant was subjected to physical torture as applicant used to burn the parts of body of complainant with cigarette. The allegations are also coupled with demand of dowry. Taking into account such nature of allegation levelled against the applicant, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE