

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 384 of 2016

Yogesh Kumar Sahu S/o. Shri Sachhidanand Sahu, aged about 34 years,
R/o. Purani Basti Kohka, Bhilai, Tahsil and District Durg (C.G.) Presently
residing at Hatkesar Ward Dhamtari, Tahsil and District Dhamtari (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Chowki Smriti Nagar, P.S. Supela Bhilai,
District Durg (C.G.)

---- Respondent

For Applicant	:-	Mr. P.R. Patankar, Advocate
For Respondent/State	:-	Mr. Gary Mukhopadhyay, Dy. G.A.
For Objector	:-	Mr. Arvind Dubey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22/04/2016

1. Apprehending arrest in connection with Crime No 179/2016 registered at Police Station- Supela, Bhilai District Durg (C.G.) for the offence punishable under section 498 A /34 of Indian Penal Code. The applicant has preferred this application for grant of anticipatory bail.

2. Prosecution case is that, the complainant Daksha Bharti Sahu was married to Yogesh Sahu on 31.01.2013. Thereafter, when she joined at matrimonial home, she was subjected to torture for demand of dowry by the husband and an amount of Rs. 5 lakh was demanded by the husband. Thereafter, application was also filed for restitution of conjugal rights wherein the decree was passed on 04.10.2015, subsequently she joined her matrimonial home. Again after the joining of her matrimonial home she

was subjected to unnatural intercourse by the husband and threat was extended to the complainant that unless and until the demands are fulfilled the same state of affairs would be continued and also made obscene videography with the same girl; thereby the offence has been committed.

3. Counsel for the applicant submits that the father-in-law and the mother-in-law have been granted bail by this Court, and the case of the applicant is similar to that of the other co-accused. He further submits that after the restitution of conjugal rights the decree was passed, the complainant has herself left the house of the applicant. He further submits that to inculcate the applicant a false and fabricated statement has been made against the applicant, therefore, prays he may be given the benefit of anticipatory bail.

4. Per contra, State counsel as well as the counsel for the objector vehemently opposes the prayer for grant of bail and submits after the compromise when the complainant joined her matrimonial home, she was subjected to torture for demand of dowry and was subjected to unnatural intercourse by the husband and threat was extended to the complainant that unless and until the demand are fulfilled the same course would be continued, therefore, the benefit of anticipatory bail should not be given to the applicant.

5. Perusal of the statement of the complainant wife would show wherein it is stated that she was subjected to unnatural intercourse by the husband and threat was extended to the complainant that unless and until the demand are fulfilled the same affairs would be continued. Therefore, considering the statement of the complainant, the case of the husband is different with that of father-in-law and the mother-in-law of the

complainant, therefore, the principal of parity can not be extended to the applicant. In a result, this court is not inclined to grant anticipatory bail to the applicant.

5. Accordingly, the anticipatory bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh