

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1314 of 2015

Gurmeet Singh S/o Surendra Singh Aged About 33 Years R/o
House No. L. I. G. 40, 41, Housing Board Colony, Industrial Area
Bhilai, P.S. Jamul, Tahsil & District - Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, P.S. Jamul,
District Durg Chhattisgarh

---- Respondent

For applicant – Shri M.P.S. Bhatia, Advocate.
For Respondent/State – Miss. Sunita Jain, PL.
For objector – Shri Ajay Thakre, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

14/01/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 589/2015 registered at Police Station Jamul, Dist. Durg (C.G.) for offence punishable under Section 498-A/34 of IPC r/w Section 4 of Dowry Prohibition Act.

2. Learned counsel for the applicant submits that applicant was married to the complainant on 26/12/2010 and earlier to that marriage Prabhjot Kaur was married to one Harmanmeet Singh on 5/12/2002 and without taking any divorce by suppressing the fact she performed marriage with the applicant and the applicant could not know of the fact when notices were received by the applicant under Section 494 read with 34 of IPC wherein applicant was arrayed as accused along with wife Prabhjot Kaur on a complaint filed by Harmanmeet Singh. Thereafter, applicant have filed a case for declaration of the marriage to be null and void under Section 11 read with Section 5 (1) of the Hindu Marriage Act. It

is further submitted that as per Annexure A-5 the divorce of Harmanmeet Singh and Prabhjot Kaur was allowed on 5/10/2013 and before that she performed marriage, therefore entire dispute arose. It is further submitted that applicant has been falsely implicated in this case as the complainant in the earlier occasion too has filed similar type of allegation against earlier husband.

3. Learned State counsel and counsel for the objector opposes the prayer for grant of anticipatory bail.

4. I have perused the complaint. Apart from other facts specific allegation have been made that the complainant was made to unnatural sexual intercourse and bodily torture. Taking in to such statement of the complainant at this stage, I am not inclined to extend benefit of anticipatory bail to the applicant.

5. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE