

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 603 of 2016

- Liladhar Sahu S/o Shyam Sundar Sahu Aged About 28 Years R/o Village Ruchida, Thana Pusor, Tahsil & District Raigarh, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station Incharge Pusor, District Raigarh, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Arvind Shrivastava, Advocate.
For the Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.08.2016

1. Apprehending arrest in connection with Crime No. 98 of 2016 registered at Police Station Pusor, Distt. Raigarh (C.G) for the offences punishable under section 498-A read with Section 34 & sec. 323 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Sarita Sahu that she was married to applicant in the year 2014 and thereafter she was subjected to torture for demand of dowry for not bringing the motorcycle etc., and ultimately she was assaulted and forcibly evicted from the house by the applicant.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and the complainant herself has deserted the applicant. He further submits that an agreement was executed which has been filed as Annexure A-2 wherein the complainant

has admitted her guilt, therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. On earlier occasion, learned State Counsel was directed to verify the document filed as Annexure A-2. On verification it is stated that no such agreement has been executed by the complainant.
6. Further perused the statement of complainant Sarita Sahu wherein she has stated that earlier in 2015, a report was made in Civil Court Malkharauda wherein the compromise was effected and the applicant stated that he will further keep the wife without any cruelty.
7. Considering the statement of complainant and the similar incident which took place earlier, it is not a fit case to extend the benefit of Section 438 Cr.P.C., to the applicant.
8. Accordingly, the bail application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**