

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1006 /2016

Dinesh Sahu, S/o. Radheshyam Sahu, Aged About 42 Years, R/o. Jail Road Bathena Dhamtari, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Incharge Mahila Thana, Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Arvind Dubey, Advocate.
For Respondent	:	Ms. Sunita Jain, Panel Lawyer
For Objector	:	Mr. Amiyakant Tiwari, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25/11/2016

1. Apprehending arrest in connection with Crime No.14/2016 registered at Police Station- Mahila Thana, Durg, District Durg (C.G.) for the offence punishable under Section 498A/377 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the wife of the applicant that she was married to the present applicant in the year 2002 and out of the wedlock one girl & one male child aged about 14 & 8 years were born and thereafter she was subjected to cruelty for the different reasons and the applicant also got into relation with another lady and she was subjected to torture for demand of dowry. It is also alleged that the applicant used to commit unnatural sex with the complainant/wife; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that in-fact the wife Pooja Sahu developed relation with another person named Durgesh Sahu and the applicant who was posted at Raoghat,

Bastar, which is a Naxalite affected area, could not come down and despite all request, the complainant refused to join the company of the present applicant and in order to suppress the act of the complainant herself, false allegations have been alleged, therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel and counsel for the objector opposes the prayer for grant of anticipatory bail. Learned counsel for the objector submits that the applicant had developed relation with another girl, therefore, the wife is subjected to torture.
5. Perused the case diary, documents and report of the complainant. The marriage was in the year 2012 and out of the wedlock two children were born. Taking into the nature of allegation and the fact that the complainant was subjected to torture and it is also alleged that she was subjected to unnatural sex, considering such facts, this is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge