

## **HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1094 of 2016**

- Tarun Kumar Sahu S/o Shri D.L. Sahu Aged About 38 Years R/o Ashish Nagar (West), Plot No.18/ A, Om Shiv Shakti, Risali, Bhilai, Tahsil & District Durg, Chhattisgarh.  
--- Applicant

**Versus**

- State of Chhattisgarh s/o through the Station House Officer, Mahila Thana, Durg, Chhattisgarh. **Respondent**

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For the applicant : Mr. Jitendra Gupta, Advocate.  
For the State : Mr. Sunita Jain, Panel Lawyer.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**23.12.2016**

1. Apprehending arrest in connection with Crime No. 15/2016 registered at Police Station Mahila Thana, Durg Distt. Durg (C.G) for the offence punishable under section 498-A/34 of IPC and section 4 of Dowry Prohibition Act, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, on 18.09.2016 a report was made by one Dhaneshwari Sahu against the applicant and others that she was married to the present applicant in the year 2005 and thereafter she was subjected to torture and the charges were clamped that she has become mentally ill. Subsequently she started living separately from the applicant and thereafter with the intervention of the Society the applicant and complainant were living together and a compromise was

effected in a case which was pending in the court and again a case was also filed under the Domestic Violence Act and mental cruelty was exerted, thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the marriage was solemnized in the year 2005 and after a long period of almost 11 years of marriage false allegations have been attributed. It is stated that different round of litigation took place between the parties and general omnibus allegations are being made, therefore, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of anticipatory bail.
5. Perused the report and the statement of victim as also the conciliation proceedings. It appears that the report has been made after 11 years of marriage.
6. Taking into the nature of allegations levelled against the applicant and the totality of the facts and circumstances, I am inclined to allow this bail application.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

**Sd/-**

**GOUTAM BHADURI  
JUDGE**

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