

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1187 of 2017**

Paresh Pradeep Tank S/o Late Shri Pradeep Tank, Aged About 28 Years R/o B-501, Richmond Grand, Near Torrent Power, Makarba Crossing, Prahalad Nagar, Ahmedabad (Gujrat)

---- Petitioner**Versus**

State Of Chhattisgarh Through Station House Officer, Women Police Station Durg, District Durg, Chhattisgarh

---- Respondent

For the Petitioner	:	Shri Siddarth Rathore, Advocate.
For the Respondent /State	:	Shri Neeraj Sharma, Government Advocate.
For the Complainant	:	Shri Prasoon Agrawal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****20.09.2017**

1. Heard.
2. It is submitted by learned counsel for the complainant that the complainant in the case has not been arrayed as a party in this case. And as such, time may be granted for filing of Vakalatnama and reply to the petition.
3. Learned counsel for the petitioner objects and submits that this case may be heard on urgent basis as in case he is not allowed to join his services in Australia because of which he will lose his job.
4. Learned counsel for the petitioner submits that on a complaint made by his wife – Vineeta Tank, offences under Section 498-A read

with Section 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act have been registered in Women Police Station, Durg.

5. The petitioner was benefited with anticipatory bail by order of Fourth Additional Sessions Judge, Durg in Bail Application No. 116 of 2017 vide order dated 1.6.2017. A condition has been imposed that until the charge-sheet is filed the petitioner shall not be allowed to leave the Country.

6. It is submitted that the petitioner is engaged in service in Australia and presently is on leave and as per email received from his office his leave cannot be extended further. For this reason, he prayed before the Sessions Court for modification of the bail order which was rejected by order dated 29.6.2017. Hence, this petition. It is prayed that the condition imposed on the petitioner, that he shall not leave the territory of India before the charge-sheet is filed, be suspended.

7. Learned counsel for the petitioner submits that the petitioner has fundamental rights and the fundamental right of the petitioner is being breached by the condition imposed by Learned Sessions Judge. It is a matter of his livelihood and if he does not go back and join his service at the Company concerned, he may be discharged from the job. Hence, the petition may be allowed.

8. Learned State counsel has opposed the submissions made and submitted that the petitioner had assured the Sessions Court that he would not leave the Country and that he shall cooperate with the

investigative procedures and it was opposed by the police on the ground that the petitioner was attempting to abscond. Hence, the prayer made by the petitioner be dismissed.

9. Learned counsel for the petitioner placed reliance on the judgment of the Allahabad High Court in the case of **Piyush Raghuvanshi vs. State of Uttar Pradesh and Others** reported in **(2015) 89 ALLCC 203** in which it was held by the Single Bench that the applicant can seek permission in circumstances which make it very essential for him to leave the Country.

10. Reliance has also been placed on the judgment of the Supreme Court in the case of **Rajesh Sharma and Others vs. State of U.P. and Anr.** in **Criminal Appeal No. 1265 of 2017** and the judgment of this Court in the case of **Dr. Rajendra Banthia vs. State of Chhattisgarh and Ors.** In **W.P. (C) No. 1173 of 2015**.

11. Heard counsel for the parties and perused the record.

12. Learned Sessions Court has, in its wisdom considering the submissions made by the petitioner/ applicant and the prosecutor, imposed the condition as aforementioned. The grounds on which the petitioner is seeking for suspension of the condition imposed may have importance for his livelihood but it cannot be regarded as essential and pressing to suspend the condition imposed. The condition as imposed is reasonable and for a limited period as well. Hence, for these reasons, this petition does not deserve to be allowed, which is

dismissed accordingly at the motion stage. However, the State/respondent is directed to conclude the investigation of the case as soon as possible.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nimmi