

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1113 of 2016

- Satish Singh S/o Laxman Singh, Aged About 36 Years R/o Abdulla Chaal, Infront of Century Mill, Mumbai, Maharashtra ---
Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station Katghora, District Korba Chhattisgarh ---- **Respondent**

For the applicant : Mr. Raghavendra Pradhan, Advocate.
For the State : Ms. Sunita Jain, Dy. Govt. Adv.
For the objector : Mr. Ravindra Agrawal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.02.2017

1. Apprehending arrest in connection with Crime No. 345/2014 registered at Police Station Katghora, Distt. Korba (C.G) for the offences punishable u/ss 498-A, 406/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, the applicant was married to complainant Poonam Singh on 07.05.2009. Thereafter, in order to prosecute his studies further he demanded Rs.5 lakhs to go to California which was paid and the applicant went to California. Thereafter he came back to Mumbai in the year 2010 and the applicant again demanded Rs.2.5 lakhs which was also given to the applicant. Then he again went to California leaving the complainant at Mumbai. Thereafter, the complainant was subjected to torture by her in-laws for demand of

dowry. In the year 2012, the parents of the applicant sold the house situated in East Mumbai and sent back the complainant to her maternal home at Katghora and demanded Rs.25-35 lakhs to purchase a flat. It is also alleged that the applicant has also called on complainant by telephone and pressurized her to pay the amount and further threatened that if the amount is not paid, she will not be taken by him, thereby the offence is committed.

3. Learned counsel for the applicant would submit that all the other accused have been enlarged on bail. He further submits that the statement of complainant would show that the main allegation is attributed to other co-accused as it is stated that after the husband left her at Mumbai, the complainant was subjected to cruelty, therefore, no allegations are attributed to the present applicant and he may be enlarged on bail. He placed reliance on *(2010) 1 SCC 684* and would submit that the applicant cannot be branded as absconder as no proceedings have been initiated, therefore, he may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel as also learned counsel for the objector opposes the prayer.
5. A perusal of the case diary as also the objection filed by the objector would show that the FIR in this case was made on 07.12.2014. Initially the application for anticipatory bail was filed on 07.07.2015 and it was rejected. Thereafter his second bail was rejected on 07.04.2016. The charge sheet appears to have been filed on 20.08.2015 which all go to show that the

applicant is well aware of the fact that the charge sheet has been filed against him and two anticipatory bail applications preferred on his behalf were also rejected and despite that he has not surrendered before the court below and eventually an arrest warrant has been issued.

6. Taking into such facts situation of the case and the way the applicant has conducted himself, it is not a case where the benefit of section 438 Cr.P.C., can be extended to the applicant. Accordingly, this bail application is rejected.

Sd/-
GOUTAM BHADURI
JUDGE