

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1192 of 2016

- Varun Gopal S/o Shri Man Mohan Gopal Aged About 30 Years
(Wrongly Mentioned In The Order) R/o Wz / 294 / 9, G - Block Jail
Raod, Hari Nagar, New Delhi (India)-110058 --- **Applicant**

Versus

- State of Chhattisgarh through- Station House Officer, Police Station-
Sarkanda, District- Bilaspur, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Yogesh Pandey, Advocate
For the Respondent	:	Mr. Sunita Jain, Panel Lawyer
For the objector	:	Ms. Ruchi Nagar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.02.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 444 of 2016 registered at P.S. Sarkanda, Distt. Bilaspur (C.G) for the offence punishable under Sections 498-A of IPC.
2. As per the prosecution case, a report was made by one Shilpi Shrivastava on 05.07.2016 that she was married to the present applicant on 18.10.2012, thereafter when she joined the matrimonial home at Australia where she was subjected to cruelty. When she came back to Bilaspur in the month of October 2015 her husband came there and demanded divorce and also demanded money and she was subjected to cruelty and torture. Thereafter, after investigation the charge sheet has been filed.

3. Learned counsel for the applicant would submit that after the marriage the complainant went to Dubai alongwith applicant, thereafter she reached to Australia and subsequently she came to Hyderabad for prosecuting her studies. When the applicant failed to bring her back, suddenly without notice the husband came down to Hyderabad and ascertained that the girl was living in adulterous life and after consultation, the divorce petition was filed u/s 13(1)(1-A) of the Hindu Marriage Act in the month of November, 2015. It is further submitted that in this case the complainant filed an application u/s 24 of the Hindu Marriage Act seeking alimony. Till then no report was made about such cruelty and all of a sudden on 05.07.2016 the FIR has been made which is completely false and outcome of after-thought. It is further submitted that at all times the applicant has sent the money to the complainant which would be evident from Annexure A-4, consequently the allegation of demand of money is belied and the applicant may be enlarged on bail.
4. Per contra, learned State Counsel as also the counsel for the objector opposes the bail application and it is submitted that the applicant is still residing at Australia and has not cooperated with the investigation therefore he may not be enlarged on anticipatory bail.
5. I have heard learned counsel for the parties and have also perused the case diary and documents.
6. The documents filed by the objector wife would show that certain report was made and initially when the report was made, the applicant was arrested and thereafter he was

released for which a complaint was made to the Superintendent of Police and therefore a departmental enquiry was conducted against the police personnel.

7. Taking into the fact that initially the applicant has not cooperated with the investigation and appears to have fled away, considering the same the benefit of section 438 Cr.P.C., cannot be extended. Accordingly, the anticipatory bail application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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