

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 1382 OF 2016

Sujit Thawait, S/o Krishnachandra Thawait, aged about 35 years, occupation- Private Servant, R/o Kevtapara, Raigarh, District Raigarh (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station- City Kotwali, Raigarh, District Raigarh (C.G.)

... Non-applicant

For Applicant	:	Ms. Indira Tripathi, Advocate.
For Non-applicant/State	:	Mr. Ashok Swarnakar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No. 528 of 2016, registered at Police Station- City Kotwali, Raigarh, District- Raigarh, for the offence punishable under Section 498-A/34 of IPC.
2. The present Applicant is husband of the Complainant, Indu Thawait. The marriage between the two took place on 18.1.2015 and within a short period of time the relationship between the two got strained and the Complainant started living separately. Allegation against the Applicant is that he and his family members has been subjecting the Complainant to ill-treatment and torture both physically and mentally on the issue of demand of dowry so that the Applicant could build a house which would incur a cost of more than Rs.15 Lakh.
3. Learned Counsel for the Applicant submits that so far as the allegations which are levelled in the complaint the same are totally false and baseless. According to the Counsel for the Applicant, the Complainant

immediately after the marriage started putting pressure on the Applicant to live separately and that leaving the parents the Applicant started living separately and there again the Complainant started pressurizing the Applicant for purchase of all the luxuries required in a house, which was beyond the purchase capacity of the Applicant and on account of which the Complainant is said to have left the matrimonial home and started living separately with her parents.

4. Learned Counsel for the Applicant further submits that from the record it reveals that in spite of best persuasions since the Complainant did not pay heed of staying together with the Applicant, then the Applicant had filed a petition for divorce on 15.2.2016 and immediately when the Complainant came to know about this she lodged a written report on 21.2.2016, upon which the present FIR has been lodged. Counsel for the Applicant further submits that sequence of evidence by itself would reveal that the complaint under Section 498-A of IPC has been lodged to counter the divorce petition filed by the Applicant.

5. Learned Counsel for the State however opposes the bail application and refers to the contents of the complaint filed on 21.2.2016.

6. From bare perusal of the facts and contents of the complaint by itself prima facie it appears that the complaint under Section 498-A of IPC has been lodged by the Complainant after the divorce petition has been filed by the Applicant and that the same has been filed with *malafide* intention of harassing the Applicant.

7. In view of above and also keeping in view the judgment of the Hon'ble Supreme Court in the case of **Arnesh Kumar v. State of Bihar & Another**, 2014 (8) SCC 273, this Court is of the opinion that a prima facie strong case for grant of anticipatory bail is made out.

8. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of Applicant in connection with Crime No. 528 of 2016, registered at Police Station- City Kotwali, Raigarh, District- Raigarh, for the offence punishable under Section 498-A/34 of IPC, if he furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then he shall be released on bail on the following further conditions :

- (i) that the applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- (ii) that the applicant 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 to any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Judge