

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1429 of 2016

1. Varun Chandra Madhani S/o Vijendra Madhani, Aged About 27 Years, R/o 304, Kripalaya Apartment, Venkatpuram, Alwal, Telangana.

---- Applicant

Versus

1. State of Chhattisgarh Through- Police Station- Tarbahar, Bilaspur, District- Bilaspur Chhattisgarh.

---- Respondent/Non-applicant

For Applicant – Shri P.R.Patankar and Shri Vijay Deshmukh, Advocates.

For Respondent/State – Shri Wasim Miyan, Panel Lawyer.

For Complainant/Objector Smt. Aisha Vilas Uttarwar – Shri D.C.Verma, Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

06-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is husband of the complainant, i.e., her wife Aisha Uttarwar. Their marriage solemnized on 18-12-2014. His wife of her own left his house and gave him threat to implicate in false matter. When the applicant gave notice to his wife dated 13-04-2015, thereafter, to falsely implicate, the complainant and his father and mother lodged a false FIR on 28-06-2015. The facts of the said FIR is not correct. Bail may be granted under Section 438 of the Cr.P.C. He will cooperate with the trial and will appear as and when directed.
3. Learned counsel for the respondent/State opposed the argument advanced on behalf of the applicant and would submit that Crime No.280/16 under Section 498A/34 of the IPC, Section 3, Section 4 of the Dowry Prohibition Act, 1961 and Section 66 and 72 of the IT Act has been registered. Charge sheet is filed and the same is pending before the CJM Bilaspur, but learned State counsel is not in a position to mention the number of the said criminal case. As per the allegation, the applicant committed cruelty also demanded dowry and used to show porn film and other activities despite denial

and objections from the complainant for the entire conduct. When it was impossible for the complainant to remain in the company of the applicant, she had lodged the report and also her statement was recorded. Thus, looking to the facts and circumstances of the case, the anticipatory bail prayed for on behalf of the applicant may be dismissed.

4. In the present matter, objection filed on behalf of the complainant for the application for grant of anticipatory bail is hereby disposed of as the counsel for the objector is permitted to assist learned counsel for the State/respondent as per provisions of Section 301 sub-section 2 of the Cr.P.C. and the said material filed on behalf of the objector is taken into consideration as if it is placed by the respondent/State.

5. Perused the material.

6. On due consideration, looking to the facts surfaced in the FIR, statement of the complainant and other witnesses, I do not see any reason to grant anticipatory bail to the applicant. Consequently, the instant MCRCA is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE