

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 233 of 2018

1. Prafull Kolhekar S/o Shri N.P. Kolhekar Aged About 33 Years R/o- A/201, Usha Heights, Vaishali Nagar, Bilaspur, Police Station Civil Lines, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. N. P. Kolhekar S/o Shri Late Shri Pandurang Kolhekar Aged About 61 Years R/o- A/201, Usha Heights, Vaishali Nagar, Bilaspur, Police Station Civil Lines, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Smt. Dhanwanta Kolhekar W/o Shri N.P. Kolhekar Aged About 60 Years R/o- A/201, Usha Heights, Vaishali Nagar, Bilaspur, Police Station Civil Lines, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Prashant Kolhekar S/o Shri N.P. Kolhekar Aged About 35 Years R/o- A/201, Usha Heights, Vaishali Nagar, Bilaspur, Police Station Civil Lines, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Smt. Ruchika Kolhekar W/o Shri Prashant Kolhekar Aged About 32 Years R/o- A/201, Usha Heights, Vaishali Nagar, Bilaspur, Police Station Civil Lines, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
6. Smt. Vinita Badage W/o Shri Shyam Badage Aged About 38 Years R/o- Magarpara, Ambedkar Nagar, Bilaspur, Police Station Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
7. Shyam Badage S/o Shri I.L. Badage Aged About 42 Years R/o- Magarpara, Ambedkar Nagar, Bilaspur, Police Station Civil Line, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Civil Lines, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Ms. Nirupama Bajpai, Advocate.

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

04/05/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.910/2017 registered at Police Station-Civil Line, District – Bilaspur(C.G.), for the offence punishable under Sections 498-A, 34 of the Indian Penal Code.
2. Learned counsel for applicantS submits that applicants are innocent and has been falsely implicated in this case. Marriage of the complainant with applicant No.1 took place on 16.11.2014 everything was going on well but due to some dispute, the complainant left her matrimonial home on 7.2.2017. Applicant No.1 filed a petition under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights, in which, a compromise took place between the applicant No.1 and wife the complainant and the complainant again came back to reside with the applicant, but the dispute continued, hence, she again left on 4.6.2017. Subsequent to that applicant No.1 has filed divorce petition,

in which the complainant appeared before the Court and than she has filed a complaint on 4.8.2017 on that basis the case has been registered against these applicants. No case is made out against these applicants. Hence, it is prayed that they may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the allegation made in the complaint and the statement under Section 161 of CrPC, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. The allegation against the applicant is this, that they have harassed and tortured the complainant Mayuri the wife of applicant No.1 on various pretext and also they have been demanding dowry by way of cash of Rs.2 lakhs and a car, as the demands were not fulfilled with the harassment continued because of which the complainant has compelled to left her maternal home.
6. Considering the submissions and the contents of the case diary, and keeping in view laid down by Supreme Court judgment of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273**, and **Rajesh Sharma vs. State of Uttar Pradesh and Ors** reported in **(2017) 8 SCALE 313**. Considering there may be a possibility of compromise in this case, I am of this opinion that applicant deserves to be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge