

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 292 of 2018

- Dr. Sanjay Kumar Manwani S/o Motilal Manwani Aged About 39 Years R/o Cross Street No. 4, Borsi-Dhanora Road Pradeepti Nagar, Borsi Tehsil And District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sunil Otwani, Advocate.
For Respondent/State	:	Shri Majid Ali, Dy. G.A.
For Objector	:	Shri Sumesh Shrivastava, Advocate.

Order On Board By Hon'ble Shri Pritinker Diwaker, J

21/05/2018

This is an application filed under Section 438 of CrPC for grant of anticipatory bail to the applicant as he is apprehending his arrest in connection with Crime No.1/2018 registered at Police Station – Mahila Thana, Durg, for the offence punishable under Section 498A/34 of IPC and Section 4 of Dowry Prohibition Act.

2. Case of the prosecution is that on 9.2.2018 FIR was registered against the applicant and his family members under Section 498A/34 of IPC and Section 4 of Dowry Prohibition Act. Allegations against the applicant and his family members are that they used to harass the

complainant in connection with demand of dowry and that the applicant had also taken some money from his father-in-law.

3. Counsel for the applicant submits that both the applicant and the complainant are homeopathic doctor and theirs was a love marriage. It has been argued that since 1998 the applicant and his wife were living in courtship; on 23.1.2003 they got married; out of their wedlock they have a son and a daughter and both the applicant and his wife have roaring practice. As the complainant/wife was not happy with her in-laws, she and the applicant started living in Bhilai and were running their clinic there. In 2017 the parents of the complainant also started living with the applicant and there was some investment by father of the complainant, in which the applicant had helped his father-in-law. It has been argued that there was usual disputes between the couple but unfortunately, at the instance of her father, the complainant lodged a false report against the applicant and his family members. He further submits that in the counseling before the Mahila Thana, the applicant has expressed his desire to take the complainant with him, however, the complainant has refused to go with him. Relevant documents in support of this contention have been filed with this application.

4. Counsel for the applicant submits that even as on date the applicant is ready and willing to keep the complainant with him and if he is arrested, there is all possibility that bitterness between the two families would increase. He submits that similarly situated co-accused have been granted anticipatory bail by the Sessions Court. It is further submitted that even dates of so-called harassment have not been given by the complainant in the complaint and only superficial

allegations have been leveled in a casual manner. Lastly, it has been submitted that the police have not complied with the mandatory directions of the Hon'ble Supreme Court in the case of ***Rajesh Sharma and others Vs. State of UP and another***, reported in ***2017 SCC OnLine SC 821***, before registering the case.

5. On the other hand, counsel for the State and the objector oppose the bail application. They, however, fairly admit that details of the harassment have not been given by the complainant.

6. Heard learned counsel for the respective parties and perused the material on record.

7. Considering the facts and circumstances of the case, the fact that other co-accused have already been granted anticipatory bail by the trial Court; the nature of allegations, which are general and omnibus, and further considering the fact that the applicant is still willing to keep the complainant, without commenting anything on merits of the case, I am of the view that present is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed.

It is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on anticipatory bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting authority, on the following conditions:

- the applicant shall cooperate with the investigation and present himself for interrogation before the investigating officer, as and when required.

- he 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 from disclosing such facts to the Court or to any police officer.
- he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

8. In the meanwhile, it would be open for the parties to make sincere efforts for amicable settlement of the disputes between them.

Certified copy as per rules.

(Pritinker Diwaker)

Vacation Judge