

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 519 of 2018

- Pravesh Kumar Bhatnagar S/o Pradosh Kumar Bhatnagar Aged About 34 Years R/o Sai Nath Colony, Street No.3, Kota, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police In- Charge, Police Station Saraswati Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ankur Agrawal, Advocate.
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer.

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

18/07/2018

1. Apprehending arrest in connection with Crime No.172/2017 registered at Police Station- Saraswati Nagar District – Raipur(C.G.), for offence punishable under Section 498-A, 313/34 of the Indian Penal Code (for short 'IPC') and Sections 3 & 4 Dowry Prohibition Act, the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that applicant has been falsely implicated in this case. The complainant the wife of this applicant has left her matrimonial home only after about a month of the marriage and thereafter she has never come back and lodged false FIR against this applicant making various baseless allegations. The

allegation against this applicant is this, that this applicant forced the complainant to abort her pregnancy whereas at that time the complainant was not residing with this applicant. Hence, it is prayed that applicant enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is sufficient evidence on record to show the involvement of the applicant in the alleged offence, hence, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The marriage of applicant with complainant Devanshi Bhatnagar took place on 17.11.2016 she went to live in her maternal home and then she left on 28.12.16 to reside with her parents, thereafter she made a complaint making allegations against the applicant and others about subjecting to torture for demand of dowry and also for forcing to abort her pregnancy in the month of February, 2017. Hence, this case.
6. Considered on all the material present in the case diary, the allegation made by the complainant are being disputed by this applicant which is taken into consideration and further in view of the observations made by Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar** reported in **(2014) 8 273 and Rajesh Sharma Vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, therefore, I am of this view that this is a fit case where the applicant should 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