

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 701 of 2018

- Prahlad Ramrakhyani S/o Prakash Ramrakhyani, Aged About 30 Years, R/o Plot No. 75, New Colony, Beside Dr. Luthra, Sadar, Nagpur, Maharashtra., District : Nagpur, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through Police Inspector, Mahila Thana, Byron Bazar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Sunil Otwani, Advocate.

For Non-applicant/State – Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-06-2018

1. Apprehending arrest in connection with Crime No.38/2017, registered at Police Station – Mahila Thana, Byron Bazar, Raipur, Chhattisgarh for offence punishable under Section 498-A read with Section 34 of the IPC and Section 3 & 4 of Dowry Prohibition Act, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that this applicant and his family members have been falsely implicated by the complainant in this case. The complainant herself is a patient of depression and had been undergoing treatment long since. She has on her own left her matrimonial home and living with her parents and lodged the false FIR involving the parents, brother and sister of the applicant who are not residing in Nagpur, rather some of them are residing in abroad. According to the directions and guidelines issued by Hon'ble the Supreme Court in the matter of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273 and **Rajesh Sharma & Ors. Vs. State of U.P. & Ors.**, reported in 2017 (8) SCALE 313, no conciliation proceeding has been done by the police authority or committee. The applicant is still ready and willing to take back the complainant as his wife

and continue with the matrimonial life. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that serious allegation has been made by the complainant against the applicant and her in-laws regarding cruel treatment given to her on various pretexts and for demand of jewelery and also torture for demand of dowry. Hence, no case is made out for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Complainant Bhumika Ramrakhyani and this applicant got married on 21-04-2015. Soon after her marriage, her in-laws commented on the quality of jewelry she had brought as gift. Subsequent to that, she and her husband went to Switzerland on honeymoon where the applicant tried to force the complainant to have unnatural intercourse with him, to which she refused and because of which she was tortured. Later on, the complainant was tortured for demand of BMW car and Rs.25 lacs. A written complaint was given by the complainant on 18-04-2017, on the basis of which, the FIR has been lodged.

6. Considered on the material present in the case diary. Some documents have been filed regarding the medical condition of the complainant along with the application. After considering on the material present in the case diary and looking to this fact that co-accused persons have been granted anticipatory bail by learned Sessions Judge and no difference can be marked regarding the case against this applicant, further, keeping in view the guidelines laid down by Hon'ble the Supreme Court in case of Arnesh Kumar Vs. State of Bihar (supra) and Rajesh Sharma & Ors. Vs. State of U.P. & Ors. (supra), I am of this view that this applicant should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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 executing a

personal bond in 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 him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge