

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1338 of 2018**

Dr. Ankur Juri, S/o. Shri A.N. Juri, Aged About 29 Years, R/o. - Patel Nagar Sada Colony, Jamunipali, Police Station - Darri, Tahsil - Katghora, District - Korba, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : S.H.O. Police Station - Mahila Thana Raipur, District - Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mrs. Indira Tripathi, Advocate
For Respondent/State	: Mr. N.K. Mehta, P.L.
For Objector	: Mrs. Fouzia Mirza, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**03/12/2018**

1. Apprehending arrest in connection with Crime No.31/2018, registered at Police Station – Mahila Thana Raipur, District – Raipur (C.G.) for offence punishable under Section 498-A and 506/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. Totally false allegation has been made by the complainant in this case. This applicant had never solemnized marriage with the complainant, hence, the offence under Section 498-A of I.P.C. is not made out. Even if, the contents of the FIR and other documents in case diary are to be considered, which clearly shows that complainant never resided in her matrimonial home. The documents filed along with the application demonstrate that no valid marriage was performed

of the applicant and the complainant. Similarly placed co-accused persons have been enlarged on anticipatory bail by the Court below, hence, under these circumstances, it is prayed that this applicant, who is a dental surgeon and his future prospects will be jeopardized, if he is arrested and detained in jail. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that in the investigation made so far, there is evidence present that this applicant had performed marriage with the complainant according to Christian religious rites and there is allegation against him that he has tortured the complainant and demanded dowry from her, hence, no case is made out for grant of anticipatory bail.
4. Counsel for the objector submits that it is not a simple case of cruelty to married women and demand of dowry. There is evidence that the applicant and the complainant have married, which is being denied expressly by the applicant. He intends to challenge the validity of marriage, which shows that the applicant has knowingly that marriage is not valid by deceit obtained submission of the complainant for physical relation, which amounts to offence of rape under the 4th description of Section 375 of the Indian Penal Code. Hence, for this reason, it is prayed that the applicant may not be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Complainant Isha Juri has lodged FIR that she performed marriage with the applicant on 28.09.2017 according to Christian religious

rituals. When the complainant went to place of mother of the applicant, the mother of the applicant refused to accept her as daughter-in-law and drove her out from her house. Subsequent to that the complainant is residing in her parental home, when this applicant approached her and said that the complainant has to fulfill the demand of Rs.3.00 lakhs in cash and one Mercedes car and also to finance for opening of clinic for the applicant only then the complainant shall be accepted in his house hold. There are allegation of other incidents of torture and cruel treatment against this applicant. Hence, this case.

7. Considered the submissions made and the contents of the case diary. Considered on the entire material present in the case diary and perused all the documents filed by the applicant and objector. Despite the evidence of marriage present, which has been collected in the investigation, the conduct of this applicant in denying the said marriage appears to be a reason, because of which this Court is not inclined to exercise the jurisdiction under Section 438 of Cr.P.C. in his favour. Hence, after due consideration, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge