

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 49 of 2019

- Abhay Kumar S/o Shyam Bihari, Aged About 30 Years, R/o Jabar, Police Station Duddhi, District Sonbhadra, Uttar Pradesh., District : Sonbhadra, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Sanawal, District Balrampur Chhattisgarh., District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Pushkar Sinha, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-01-2019

1. Apprehending arrest in connection with Crime No.67/2018, registered at Police Station – Sanawal, District- Balrampur, Chhattisgarh for offence punishable under Section 498(A) of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The complainant herself does not want to reside in her matrimonial home, because of which she has deserted the applicant, her husband. The applicant has filed application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, in which the complainant is avoiding appearance and she has lodged this false FIR making false allegation. Similarly placed co-accused persons have been granted anticipatory bail by the Court below. Therefore, it is prayed that this applicant may also be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the complainant has clearly alleged regarding cruel treatment and demand of dowry, therefore, the application may be rejected.

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

5. According to the written complaint given by the complainant, marriage of this applicant with the complainant took place on 01-03-2017. Soon after the marriage her husband and in-laws expressed their dissatisfaction with the dowry given and made demand of Rs.5,00,000/- and one car. The complainant was driven out from her matrimonial home and it was made clear that she can come back only when the demand is met with. Thereafter, the complaint has been filed.

6. This is a case of matrimonial dispute and there are chances of conciliation, further, the applicant has himself filed application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. Hence, keeping in view the guidelines laid down by Hon'ble the Supreme Court in case 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, I feel inclined to allow this application.

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

Aadil