

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 140 of 2019

- Y. Prabhu Srinivas S/o Shri Y. Hemakumar, Aged About 31 Years, Permanent R/o Door No. 19-1-260, Udayapuram Street, PALASA, Police Station Palasa Kashibugga, District Shrikakulam A. P., District : Srikakulam, Andhra Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Mahila Thana, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Amrito Das and Shri K. Rohan, Advocates.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Shri Rahim Ubwani, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-03-2019

1. Apprehending arrest in connection with Crime No.25/2018, registered at Police Station – Mahila Thana, Raipur, District Raipur, 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. Totally false allegations have been made by the complainant in the complaint made by her. The applicant and the complainant got acquainted with each other before their marriage and the applicant had suppressed about his education, occupation and his income. After marriage of the applicant with the complainant on 24-11-2017 at Raipur, the applicant and the complainant both were frequenting places then the applicant received contractual employment in IISER, Bhopal. Thereafter, the applicant was selected for pursuing his Post-Doctoral studies at Freie University, Berlin (Germany), then all of a sudden the complainant made clear her intention that she does not want to go with the applicant and wishes to live

with her parents in Hyderabad. Thereafter, differences arose and the false FIR has been lodged. The parents of the applicants have also been arrayed as accused in this case who have been benefited with grant of anticipatory bail by this Court in MCRCA No.1364/2018 vide order dated 16-11-2018. Therefore, it is prayed that this applicant may also be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant had misintimated the complainant that he was working as Scientist and earning Rs.1,50,000/- per month, whereas, he was unemployed and soon after the marriage a demand of Rs.20,00,000/- was made from the complainant and her parents which was not fulfilled, therefore, she was tortured and treated with cruelty. Therefore, no case is made out for grant of anticipatory bail.

4. Learned counsel for the objector submits that the applicant is presently residing in Germany, therefore, in accordance with Rule 120 of the Chhattisgarh High Court Rules, this application cannot be entertained for the reason that the applicant himself required to file an affidavit in support of the application. There is evidence to show that this applicant kicked the complainant in her abdomen, because of which her pregnancy got aborted. Hence, looking to the nature of cruelty of the applicant, he is not entitled for grant of anticipatory bail.

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

6. Marriage of the applicant with complainant Sarla Yavvari was performed on 24-11-2017. Soon after the marriage, it was discovered that the applicant is unemployed and thereafter a demand of Rs.20,00,000/- was made from the complainant and her parents, which was not fulfilled, because of which she was tortured and treated with cruelty and when the complainant became pregnant she was forced to abort the pregnancy. It is alleged that on 03-03-2018 the applicant came to the parental house of the complainant where she

was residing and again made demand of Rs.20,00,000/- and then after abusing the complainant kicked her abdomen, because of which her pregnancy got aborted. The FIR was lodged 28-05-2018.

7. On perusal of the case diary, it has appeared that the statement that the complainant suffered abortion has not been medically examined and reported. The case of this applicant is not very much different from the case of co-accused persons who have been granted anticipatory bail and further, Rule 120 of the Chhattisgarh High Court Rules provides that in exceptional cases affidavit can be filed by a near relative of the applicant also, as in this case the affidavit has been filed by father of the applicant. 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 am of this view that this applicant should be benefited with grant of anticipatory bail.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil