

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 178 of 2019**

Rajesh Sharma, S/o. Shri Gangasagar Sharma, Aged About 30 Years,
R/o. C/o Ashok Jain, Mahesh Colony, Gudhiyari, P. S. Gudhiyari Raipur,
District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station -Gudhiyari, Raipur
District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sudeep Johri, Advocate
For Respondent/State	: Mr. Rahim Ubawani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/02/2019**

1. Apprehending arrest in connection with Crime No.52/2018, registered at Police Station – Mahila Thana, Raipur, District – Raipur (C.G.) for offence punishable under Section 376, 377 & 498A 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. No case is made out against the applicant on the basis of the material present on record. The relation between the applicant and his wife/complainant had been very cordial, in proof of which, copy of all the chats in social networking sites have been attached along with this

application. On the contrary, from the language in the chatting from the complainant, it would appear that she was nymphomania. At the initial stage during the counseling procedure, the complainant herself has made statement that she does not want to continue living with her husband and also wants a decree of divorce. The story of demand of dowry, torture and unnatural sex has been made later on to increase the gravity of the case against this applicant. Therefore, it is prayed that 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 the complainant had been complaining from very beginning that she was subjected to unnatural sexual intercourse by her husband, the applicant and she was being tortured for demand of dowry, therefore, it is not a fit case for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The applicant married to the complainant – Ranjana Sharma on 28.11.2017. It is alleged in the FIR lodged that while staying in her matrimonial home, the complainant was subjected to unnatural sexual intercourse by her husband and she was also tortured and treated with cruelty for demand of dowry. Hence, this case.
6. Considered the submissions made and the contents of the case diary. On perusing the copy of the counseling documents, it appears that the complainant had made allegation of unnatural sexual intercourse by her husband from very beginning, which is reflected in the written complaint filed by her and also in the FIR

lodged by her. The copy of the social media chats that have been filed needs verification and interpretation and on that basis no inference can be drawn, hence, for the present, it appears that the allegation against the applicant are grievous in nature, therefore, no exceptional or extra ordinary case is made out in favour of the applicant for grant of anticipatory bail.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram