

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 208 of 2019

- Kunal Kedia, S/o Satish Kedia, aged about 27 Years, R/o Baloda Road, Akaltara, P. S.-Akaltara, District-Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Akaltara, District Janjgir Champa Chhattisgarh,.

---- Respondent

For Applicant : Mr. Akhatar Hussain, Advocate.
For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.
For Objector : Ms. K. Tripti Rao, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

06/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.07/2019 registered at Police Station-Akaltara, District–Jangir-Champa(C.G.), for the offence punishable under Sections 498-A, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against the applicant. Complainant has lodged totally a false FIR as there had been never been any demand of dowry or cruel treatment given to the complainant. Similarly placed co-accused persons have been granted

bail by the Court of First Additional Sessions Judge, Janjgir-Champa, therefore, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the allegation made by the complainant, the FIR has been lodged. No case is made for grant of anticipatory bail. Apart from that applicant has a criminal record of having been prosecuted for offence of rape etc., therefore, the application be rejected.
4. Learned counsel for the Objector after adopting the arguments advanced by State counsel submitted that there are incidents when the applicant has misbehaved and cruelly treated the complainant. Despite the objection of the complainant, the applicant used to have telephonic conversations with other girls. When the complainant informed about the engagements of the applicant to her in-laws, she was beaten by the applicant because of which she felt compelled to leave her matrimonial home and, thereafter, the FIR has been lodged. The activities of the applicant is serious threat to the life of the complainant, therefore, it is prayed that application be rejected.
5. Heard both the parties and perused the case diary.
6. Marriage of the applicant with complainant took place on 7.7.2016 and thereafter a son was born out of their wedlock on 29.3.2017. It is alleged, that soon after the marriage and child birth, the complainant was harassed physically and mentally for demand of dowry because of which she left her matrimonial home and, thereafter, a compromise was arrived at between them, hence, the complainant went back to live in matrimonial home, but she was again harassed by the complainant by talking to other girls, and when she objected to it she was beaten by

the applicant. Hence, this case.

7. Considered on the entire material present in the case diary, it appears that there is chance of settlement and resolution of disputes between the applicant and the complainant, for this reason, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge