

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 226 of 2019**

Ritesh Bohra, S/o. Shri Suresh Bohra, Aged About 29 Years, R/o. D-348,
Sector 5, Tagore Nagar, Tehsil and District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Mahila Thana Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. K. Rohan, Advocate
For Respondent/State	: Mrs. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/02/2019**

1. Apprehending arrest in connection with Crime No.38/2018, registered at Police Station – Mahila Thana Raipur, District – Raipur (C.G.) for offence punishable under Section 498-A/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. No case is made out against the applicant on the basis of the material present on record. The marriage of this applicant with complainant – Purvi Bohra had been peaceful for quite sometime but all of a sudden, the complainant started to demand that applicant should leave his own parents and live with her parents in Bhilai. Consequent to which dispute arose and the complainant has left the matrimonial home on 03.05.2018 and lodged the false FIR against the applicant and co-accused persons. Her statement about demand of dowry has been falsified on the basis of the notice given on her behalf by the counsel on 12.07.2018 asking the applicant for divorce in which

there is no mention of any demand of dowry. In the counseling process that took place, the complainant has clearly refused to settle and go back her matrimonial home even though the applicant has proposed for the same thereafter, the applicant has filed application under Section 9 of Hindu Marriage Act for restitution of conjugal rights. Similarly placed co-accused persons have been enlarged on bail by this Court. 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 serious allegation have been made against this applicant by the complainant regarding demand of dowry and cruel treatment given to her, therefore, no case is made out for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Marriage of the applicant with complainant – Purvi Bohra took place on 01.07.2014. Complaint has been given on 03.05.2018 by the complainant in the police station making allegation that she has been driven out of her matrimonial home only for the reason that the applicant and the co-accused persons want Rs.5.00 lakhs in dowry. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also perused the documents attached along with the application, particularly the notice sent by the complainant to the applicant demanding dissolution of marriage dated 12.07.2018, which does not speak about any demand of dowry in cash and also for

the reasons that similarly placed co-accused persons have been enlarged on anticipatory bail by this Court, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

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

8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge