

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 263 of 2019**

Nilesh Kumar Dubey, S/o. Birendra Kumar Dubey, Aged About 32 Years,
R/o. Kenaband Ambikapur, Thana and Tahsil - Ambikapur, District -
Surguja Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station Mahilathana, Ambikapur, District
- Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Mateen Siddiqui, Advocate with Mr. Narendra Mehar, Advocate
For Respondent/State	: Mr. Rahim Ubawani, P.L.
For Objector	: Mr. Yatharath Singh, Advocate with complainant present in person

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/03/2019**

1. Apprehending arrest in connection with Crime No.24/2018, registered at Police Station – Mahilathana, Ambikapur, District – Surguja (C.G.) for offence punishable under Section 498-A read with Section 34, 506 & 354 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 in the case diary. Totally false allegation has been made against the applicant and the others in the FIR lodged by her. Complainant has resided only for a period of one and half month after the marriage with the applicant and others. Bank statement has been produced to show that some amount was transferred by the father of the complainant on 15.05.2017 to meet expenses in the marriage but

not by way of dowry. The applicant is a government servant working as Shiksha Karmi, therefore, in case, if he is arrested, he will suffer in his carrier. Similarly placed co-accused persons namely Prafoolanand Dubey and Birendra Kumar Dubey have been granted anticipatory bail by this Court in M.Cr.C.(A) No.1740/2018 vide order dated 18.01.2019. Therefore, it is prayed that this applicant may also 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 looking to the contents of the FIR and the statement made by the complainant no case is made out for grant of anticipatory bail.
4. Counsel for the objector after adopting the argument advanced by the learned counsel for the State submits that the complainant herself present in person and she has opposes the application for grant of anticipatory bail to the applicant submitting that she had been continuously harassed by the applicant for demand of dowry on various pretext on number of occasions. She has also been beaten and manhandled on number of occasions. Therefore, it is prayed that the applicant may not be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Marriage of this applicant with complainant – Ruchi Dubey was performed on 13.02.2017. As alleged at the time of Tilak, it was agreed that the parents of the complainant will pay Rs.6.00 lakhs in cash and Rs.4.00 lakhs for purchase of one Maruti car. Subsequent to the marriage, the complainant was subjected to cruel treatment by the applicant and in her laws as the payment of dowry was not

met with. Various instances of cruel treatment have been narrated in the complaint made. Hence, this case.

7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, it appears that this applicant is the main accused and the allegations of torturing the complainant physically and mentally is against him, therefore, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.
9. However, if the, applicant surrenders and applies for grant of regular bail before the concerned Court below, the concerned trial Court is directed to consider on the regular bail application of the applicant, and decide the same as far as practicable preferably on the same day.

Sd/-
(Rajendra Chandra Singh Samant)
Judge