

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 336 of 2019

- Ashwant Kumar Patel S/o Shri Harprasad Patel, Aged About 29 Years, R/o Village Pakariya (Jhulan), P.S. Mulmula, Block Akaltara, Tah. Akaltara, District -Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O., Police Station Mulmula, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Ravindra Sharma, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-03-2019

1. Apprehending arrest in connection with Crime No.20/2019, registered at Police Station – Mulmula, District- Janjgir-Champa, Chhattisgarh for offence punishable under Section 315, 498A/34 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. No case is made out against him. The complainant has made general allegations against this applicant and the co-accused persons. Further, in the note sheet of the proceeding before the family counselling committee, it has appeared that the complainant is still willing and hoping for settlement. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that when the complainant was pregnant she was administered such medicines so that her pregnancy gets aborted, therefore, the allegation against the applicant is of serious nature. Hence, the application may be rejected.

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

5. Marriage of complainant Anusuiya Patel took place with this applicant on 18-02-2018. It is alleged that soon after the marriage her husband and in-laws expressed their dissatisfaction with the articles given in dowry and also made further demand for which the complainant was subjected to cruel treatment. It is alleged that when the complainant became pregnant, she was forced to abort the same by administering some medicines to her. Thereafter, the complainant left her matrimonial home in the month of November and lodged this FIR.

6. On perusal of the case diary, it appears that there is no medical report that the complainant has undergone abortion and so far in the investigation it is only find out that some medicines were administered to the victim. Therefore, under these circumstances, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil