

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 367 of 2019**

Lavanya Pushp Parganiha, S/o. Subhash Chandra Parganiha, Aged About 27 Years, R/o. House No. 635/41, Behind Talwar Bhawan, Subhash Nagar, Durg, District - Durg Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Mahila Thana Raipur, District - Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Praveen Dhurandhar, Advocate
For Respondent/State	: Mr. Samdarsh Nirankari, Advocate
For Objector	: Mr. Pradeep Singh Rathore, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/03/2019**

1. Apprehending arrest in connection with Crime No.50/2018, registered at Police Station – Mahila Thana, Raipur, District – Raipur for offence punishable under Section 498-A, 506, 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. It is submitted that the complainant, who is the wife of the applicant has made allegation against the applicant, which is general in nature. The main grievance of the complainant was only this that this applicant, who is in service and posted at Ramanujganj was not taking her with him. In the complaint made by the complainant on 05.10.2018, the applicant and the complainant both appeared before the counseling committee, in which the complainant agreed that she wants to reside with her husband at Ramanujganj. The applicant

has filed proceeding under Section 9 of Hindu Marriage Act, because of which as a counter blast, the FIR has been lodged. Similarly placed co-accused persons have been benefited with grant of anticipatory bail by this Court. Therefore, it is prayed that the 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 there is clear allegation against this applicant having tortured and treated with cruelty the complainant for demand of dowry and for other reasons. This applicant is the main accused, therefore, he is not entitled 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 has been subjected to torture and cruel treatment by this applicant on number of occasions because of which, the complainant was compelled to make an attempt for committing suicide by consuming poisonous substance. Further the applicant has pressurized the complainant to meet the demands made by him and has deliberately tortured the complainant by keeping her away from his company and by not talking to her even though both were living in same house, therefore, it is prayed that the applicant may not be released on anticipatory bail.
5. The complainant Sweta Parganiha is present in person before this Court, she has given narration of the incidents that have been taken place with her and prayed that the application be rejected.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

7. Marriage of this applicant with complainant Sweta Parganiha took place on 11.05.2018. It is alleged that soon after the marriage, the complainant was subjected to cruel treatment for demand of dowry of Rs.10.00 lakhs. Because of the torture given to the complainant on one occasion, she consumed poisonous substance for which she was treated in the hospital and her life was saved but the torture given by her husband and in-laws continued as it is. Hence, this case.
8. Considered the submissions made and the contents of the case diary. Perused all the contents of the case diary and the documents filed along with the application and the written objection. An agreement has been produced by the applicant side in which the complainant has apologized for the incident of attempt to commit suicide regarding which the complainant present in person was replied that her signature was taken in this agreement by force. The case of this applicant is different that of the other co-accused persons as he appears to be main accused in this case. Therefore, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
9. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.
10. However, the concerned trial Court is directed to consider on the regular bail application of the applicant, if the, applicant surrenders and applies for regular bail before the concerned Court below and decide the same as far as practicable preferably on the same day.

Sd/-
(Rajendra Chandra Singh Samant)
Judge