

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 536 of 2019**

Rajesh Kumar Sahu, S/o. Shri Pawan Kumar Sahu, Aged About 31 Years,
R/o. Village Tumgaon, Thana Tumgaon, Tahsil and District Mahasamund
Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station
Tumgaon, Civil and Revenue District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu and Mr. Sumit Shrivastava, Advocates
For Respondent	: Mr. Lav Sharma, P.L.
For Objector	: Mr. Hemant Gupta, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/04/2019**

1. Apprehending arrest in connection with Crime No.55/2019, registered at Police Station – Tumgaon, District – Mahasamund (C.G.) for offence punishable under Section 498-A 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. The complainant does not want to live in her matrimonial home, therefore, she has left her matrimonial home willingly on 04.12.2018 and then the FIR has been lodged on 24.03.2019. The complainant has made totally a false allegation against this applicant. Similarly placed co-accused persons have been granted anticipatory bail by the Court

below. Therefore, it is prayed that the applicant be granted 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 according to the statement given by the complainant, this applicant is the main accused because of which, the complainant had to suffer the torture, 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 this applicant had by force administered some medicine to the prosecutrix to get her pregnancy aborted twice, therefore, he is not entitled for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The marriage of the applicant with the complainant was performed on 20.06.2014. The complainant had one male child out of this wedlock. After one year of the marriage, it is alleged that on two occasions the complainant got pregnant, but her pregnancy was aborted because she was administered some substance by the applicant. It is also alleged that the applicant is having some illicit relation with some other woman, therefore, he wants to see the complainant out of his way to perform marriage with that woman i.e. why the applicant had been torturing her. It is also alleged that the applicant and other in-laws had been continuously torturing the complainant to bring dowry of Rs.5,90,000/- from her parental house to make purchase of land.

7. Considered the submissions made and the contents of the case diary. Considering the nature of the allegation against this applicant, it appears that he has played main role as stated by the complainant herself, 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram