

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 579 of 2019

- Ashish Mishra S/o Anil Mishra, Aged About 30 Years, R/o Bhatgaon, Police-Station-Bhatgaon, Tahsil Bhaiyathan, District-Surajpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Mahila Thana, Ambikapur, District-Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate.

For Respondent : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.05/2019 registered at Police Station-Mahila Thana, Ambikapur, District-Surguja(C.G.), for the offence punishable under Section 498-A/34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out for commission of offence that are registered against the applicant. The applicant is the husband of the complainant Gayatri Mishra. The complainant herself does not want to reside in her matrimonial home with her in-laws, therefore, she has lodged a false complaint making false allegations against the applicant and left to live in her parental

house. The applicant then filed application under Section 9 of Hindu Marriage Act for restitution of conjugal rights, therefore, by way of counter blast, the FIR was lodged later on against this applicant and the other co-accused persons. The other co-accused persons are similarly placed who have been granted anticipatory bail by this Court, therefore, it is prayed that this applicant may also be enlarged on anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant has made serious allegations regarding the demand of dowry and torture against this applicant and the co-accused persons, therefore, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The marriage of the complainant had taken place with the applicant on 12.7.2016. The complainant left her matrimonial home in February, 2017 and, thereafter the FIR has been lodged on 2.3.2019, it is alleged that during her stay in the matrimonial home her husband and in-laws have treated her with cruelty for demand of dowry.
6. After considering the entire facts and circumstances of this case and also for the reason that similarly placed co-accused persons have been granted anticipatory bail by this Court, I am of this opinion that this is a fit case where applicant should also be granted anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha