

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 615 of 2019

- Joy Sharma S/o Debashish Sharma, Aged About 30 Years, R/o Qtr. No. 26, Type 3, N.E.C. Complex, Motinagar, Nagthu Mai, Shilong, Meghalaya., Meghalaya

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Mahila Thana Durg, Tahsil and District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Rajesh Kumar Jain, Advocate.

For Non-applicant/State – Shri Rahim Ubwani, Panel Lawyer.

Shri Avinash Chand Sahu, Advocate for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-04-2019

1. Apprehending arrest in connection with Crime No.17/2019, registered at Police Station – Mahila Thana Durg, District- Durg, Chhattisgarh for offence punishable under Section 498-A of the IPC and Section 4 of Dowry Prohibition Act, 1961, 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. The complainant in this case has made totally false allegations against this applicant. The complainant herself has filed an application under Section 9 of the Hindu Marriage Act, which shows her willingness to have the applicant again in the folds of her family. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application and submits that serious allegations have been made by the complainant regarding demand of dowry, cruel treatment and misbehaviour, therefore, the application may be rejected.
4. Learned counsel for the objector/complainant after adopting the argument advanced by the State counsel submits that the applicant has tortured the complainant for demand of dowry and when the same was not

fulfilled, he driven out the complainant from her matrimonial home. A condition was put that the complainant will be accepted only after the demand of dowry is fulfilled. Even when the demand was fulfilled, the complainant was not taken back, therefore, the complainant had to file the application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. This applicant has in reply to that application, has leveled allegation of such depravity that now there is no possibility of reconciliation left. Therefore, it is prayed that the application may be rejected.

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

6. Complainant Vinisha Mukharjee Sharma is an educated and working woman, her marriage with the applicant was performed on 02-03-2017. When the complainant went to live in her matrimonial home, she was tortured, misbehaved and treated with cruelty on various pretext. Thereafter, when the complainant became pregnant, she was sent to her parental house for delivery. On the date of delivery, 23-02-2018 the applicant abused and assaulted the complainant making statement that he does not want to take care of the child and also put a condition that parents of the complainant shall have to bring gold, cash Rs.5,00,000/- and Honda City car only thereafter he will accept her back. The parents of the complainant then arranged and fulfilled the demand, but even then the applicant is refusing to have back the complainant. Hence, the FIR has been lodged.

7. After considering on the entire material present in the case diary, it appears that all the allegations are mainly against this applicant, therefore, I do not find any extraordinary case in his favour for grant of anticipatory bail.

8. Accordingly, the application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge