

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 649 of 2019

- Karan Chadda S/o Shri Jitendra Chadda, Aged About 32 Years, Occupation Service, R/o Flat No.302, A-Plot No-368/4, Zoom Appartment, Shere-Punjab Colony, Andheri (East) Mumbai (Maharashtra), District : Mumbai, Maharashtra

---- Applicant

Versus

- The State of Chhattisgarh, through The Mahila Police Station, Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. P.R. Patankar and Mr. Vedant Bhelonde, Advocates.

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

Mr. Kashif Shakeel, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-05-2019

1. Apprehending arrest in connection with Crime No.51/2018, registered at Police Station – Women Cell, District- Raipur, Chhattisgarh for offence punishable under Section 498A, 34 of the IPC, the applicant has preferred this application under Section 438 of the Cr.P.C. 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 the applicant regarding imparting cruel treatment to the complainant or making any demand of dowry. On perusal of the complaint itself it appears that there is no specific statement regarding the demand. Similarly placed co-accused persons have been granted anticipatory bail by this Court. Therefore, it is prayed that this applicant may also be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that on plain perusal of the complaint given by the complainant it is very clear that there had been continuous demand of money from the complainant which was fulfilled by her parents, even though they were stressed and short of money, by making arrangement for the same. Despite

that, the applicant has deserted his wife and the only child and is not taking interest in their well being. Hence, his application may be rejected.

4. Learned counsel for the objector adopts the argument advanced by the State counsel and submits that apart from the demand of money by way of dowry, the applicant side have made false statement to the complainant and her parents that he has some business, whereas, he was unemployed and just extracting money from the complainant and her parents. According to the statement given by the complainant herself, she was subjected to unnatural sexual intercourse by this applicant himself. Therefore, for these reasons, the applicant is not entitled for grant of anticipatory bail.

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

6. Marriage of complainant Ekleen Kaur took place with this applicant on 08-12-2013. According to the complaint, demand of money started from the very date of engagement and that had been unending till the date the complainant was compelled to leave her matrimonial home. The written complaint on the basis of which the FIR has been lodged also contained this statement that the complainant was subjected to unnatural intercourse by her husband, i.e., this applicant and there are details of numerous incident in which she was subjected to torture for demand of dowry. Hence, this case.

7. After considering the entire material present in the case diary and looking to this fact that this applicant is the main accused and that he is also accused of commission of offence of unnatural intercourse, therefore I do not feel inclined to allow this application.

8. Accordingly, the application filed by the applicant for grant of anticipatory bail is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge