

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 835 of 2019**

Manjot Singh Arora, S/o. Shri Harsimran Singh Arora, Aged About 27 Years, R/o. Gurunanak Nagar, Shyam Nagar Telibandha Raipur Chhattisgarh, Thana Telibandha, District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Thana In Charge, Police Station Telibandha, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rahim Ubawani, Advocate
For Respondent/State	: Mr. Adil Minhaz, Panel Lawyer
For Objector	: Mr. Arvind Dubey, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/06/2019**

1. Apprehending arrest in connection with Crime No.230/2019, registered at Police Station – Telibandha, District – Raipur (C.G.) for offence punishable under Section 498-A read with Section 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. The applicant has never treated with cruelty and assaulted the complainant. The complainant herself on account of her some personal reason is not interested to live in her matrimonial home, therefore, she has left willingly and lodged this FIR making false allegation against the

applicant and others. The other co-accused persons have been granted anticipatory bail by the Court below, therefore, it is prayed that this applicant may also 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 within a short time after the marriage, the applicant has tortured the complainant for demand of dowry and because of harassment given, she left her matrimonial home and lodged the FIR. Hence, no case is made out for grant of bail.
4. Counsel for the objector submits that the applicant was the person who had been continuously tortured by assaulting and beating the complainant making her life miserable and also the belongings in possession of the complainant were taken away by the applicant and even the bank account of the complainant was also operated by the applicant. Because of the assault made by the applicant on 21.04.2019, the complainant was compelled to leave her matrimonial home. The applicant is also giving threats to the complainant with an intention that she should withdraw her complaint. Hence, under these circumstances, it is prayed that the applicant may not be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the prosecution case, the marriage of the applicant with the complainant Urshin Kaur was performed on 19.11.2018. It is alleged that the applicant and others constantly made complaint that they have received less dowry and their expenditure has exceeded their budget because of which the complainant feels tortured and

then she was treated with cruelty. On 21.04.2019, the applicant has assaulted the complainant and caused her injuries because of which she has left her matrimonial home and lodged FIR against the applicant and others. Hence, this case.

7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary it can be said that the applicant and the complainant are newly wedded couples and there are possibility of compromise and settlement between them, therefore, keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, this Court is 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 allowed.
9. 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 executing a personal bond in 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.
- (v) In case there is any complaint of harassment or threat to the complainant from the applicant side, the complainant is at liberty to move application for cancellation of this anticipatory bail.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram