

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 993 of 2019

- Vijay Agrawal S/o Late Kanwarsen Agrawal Aged About 37 Years R/o Camp 2, New Fish Market, Power House Bhilai, Tahsil And District- Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh

---- Non-applicant

For Applicant	: Mr. N. Naha Roy, Advocate.
For State/respondent	: Mr. Neeraj Pradhan, Panel Lawyer.
For Objector	: Mr. Gurudev I. Sharan, Advocate.

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

29-08-2019

Heard.

1. Apprehending arrest in connection with Crime No.16/2019, registered at Police Station– Mahila Thana, Sector: 6, Bhilai, District- Durg, Chhattisgarh for offence punishable under Sections 498A, 34 of the I.P.C.,1860 and Section 4 of the 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 there is no substance in the complaint against the applicant. The marriage of the applicant to the complainant took place on 23.11.2017. The complainant herself has misbehaved with the applicant and created scenes regarding which, the applicant had filed a complaint to the Police on 21.02.2019, copy of the same is attached in Annexure A-2. Subsequent to that, the dispute had occurred before this complaint in which a compromise have taken place between the parties on 23.09.2018, copy

of the same is filed in Annexure A-3. Subsequent to which, a totally false F.I.R. has been lodged against this applicant. Therefore, it is prayed that the applicant be granted anticipatory bail.

3. Learned counsel for the State opposes the application and submits that there are clear allegations against the applicant that he has demanded dowry and tortured the complainant. Therefore, he is not entitled for grant of anticipatory bail.
4. Learned counsel appearing on behalf of the objector submits that the complainant was interested in settlement, when compromise took place on 23.09.2018. Thereafter, the applicant has not followed the terms of the compromise at all and continued harassing the complainant. Therefore, the applicant is not entitled for grant of anticipatory bail.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, as mentioned in the F.I.R. lodged, soon after the marriage, this applicant started torturing the complainant for fulfillment of demand of Rs.10,00,000/-. Thereafter, the applicant by putting the complainant under pressure withdrew some amount from her bank account. The complainant then lodged a complaint in Mahila Thana, Durg then a compromise took place. Subsequent to that, when the complainant again went to reside in her matrimonial home, where she was again tortured and demanded Rs.45,00,000/- in dowry, on the non-fulfillment of the same, the complainant was driven out from her matrimonial home.
7. The co-accused persons in this case have been granted anticipatory bail on this ground that all the allegations are mainly against this

applicant, on perusal of the statement of the witnesses, it is found substantiated, therefore, I do not find any reason to exercise jurisdiction under Section 438 of Cr.P.C. in favour of this applicant.

8. Hence, the bail application filed under Section 438 of Cr.P.C. is rejected.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika