

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 990 of 2019**

- Ramkishor Patel, S/o Chandrashekhar Patel, Aged About 29 Years, R/o Village Asonda, Police Station And Tahsil Sakti, District : Janjgir-Champa, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh, Through Police Station Sakti, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Paranjpe, Advocate.
For Objector	:	Shri Vijay K. Deshmukh, Advocate
For Respondent/State	:	Shri Anant Bajpai, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02/08/2019**

1. Heard.
2. This is the first bail application filed under Section 438 of the Cr.P.C. filed by the applicant for grant of anticipatory bail, who is apprehending arrest in connection with Crime No.148/2019 registered at Police Station - Sakti, District Janjgir- Champa, for the offence punishable under Sections 498A read with Section 34 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant is the husband of complainant. The fact is that the complainant was fascinated with applicant and it was a case of one sided love affair with him. When applicant did not relent to her fascination, she attempted to commit suicide. Then under the

pressure given by police officials, applicant had to marry the complainant and that marriage took place on 02.04.2017. The married life of the complainant and the applicant was not peaceful and the complainant used to misbehave and abuse the applicant and her in laws. The applicant even filed a complaint to the police on 23.04.2018, on which the police issued a notice under Section 155 of the Cr.P.C. A repeat complaint was filed on 25.04.2018 before the Superintendent of Police on which no action has been taken. The allegation that the applicant and his family members used to torture the complainant is totally false because it is falsified by the complainant on 23.06.2018, in which she has stated that she was driven out from her matrimonial house and there is no allegation for demand of dowry. The Family Counseling Centre entertained that complainant, but the complainant did not appear because of which, the matter was dismissed. The mother of the applicant also filed a complaint under the Protection of Women from Domestic Violence Act, 2005, before the Court and the complainant was arrayed as non-applicant. The applicant also filed a petition before the Family Court for seeking relief to declare the marriage null and void therefore, as a counter -blast FIR has been lodged against the applicant belatedly on 23.03.2019. Hence, it is prayed that the applicant are entitled for grant of anticipatory bail

4. On the other hand learned counsel for the State opposes the bail application and submitted that the specific allegation has been made against the applicant regarding demand of dowry and torture given to complainant. Hence, no case is made out

for grant of anticipatory bail to the applicant.

5. Learned counsel for the objector(complainant) submitted that complaint is not made only under Section 498(A) but there is also an allegation under Section 376 in the FIR. The applicant pushed the complainant from the second floor of the house, due to which she sustained grievous injuries in her vertebral column. It is also alleged that the applicant had committed several times, sexual intercourse with the complainant before the marriage, therefore, the applicant is not entitled for grant of anticipatory bail.
6. Heard counsel for the parties and perused the case diary.
7. According to the FIR lodged soon after the marriage of the applicant and his family members were engaged in torturing the complainant for demand of dowry.
8. After considering the facts and circumstances of this case and also perusing all the documents filed along with the application, I feel inclined to grant anticipatory bail to the applicant.
9. Accordingly, the bail application filed by the applicant under Section 438 of the Cr.P.C. is allowed.
10. 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 the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He 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 inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them 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/-
(Rajani Dubey)
Judge