

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1078 of 2019

Rahul Kesharwani S/o Ramchandra Kesharwani, aged about 28 years
R/o Near Astha Clinic, Subhash Chowk, Ward No. 13, Balodabazar,
District- Balodabazar Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh through Police Station City Kotwali, Balodabazar,
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raza Ali, Advocate.
For Respondent/State	: Mr. Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/11/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 770/2018, registered at Police Station City Kotwali, Balodabazar (C.G.) for the offence punishable under Section 498-A, Section 34 of the IPC read with Section 3 & 4 of Dowry Prohibition Act, 1961.
2. As per prosecution story, the Applicant is husband of complainant namely Ashwini Kesharwani, they got married on 19.02.2017. Allegations against the Applicant is that he used to torture the complainant and demanded four-wheeler as dowry. It is further alleged that on 03.05.2017, the applicant committed *Maar-peet* with the complainant and on 04.05.2017 the complainant left her in-laws home and gone to her parental house and thereafter on 20.12.2017 FIR has been lodged by the complainant. On the basis of the said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that the FIR has been lodged only on the basis difference of opinion between the applicant and the complainant. He also submits that complainant is residing separately from her husband and after seven months, she has lodged complaint against the Applicant. He further submits that other co-accused persons namely Shri Ram Chandra Kesharwani, (Father-in-law), Smt. Sunita Kesharwani (Mother-in-law) and Ku. Rashmi Kesharwani (Sister-in law) of the Applicant have been granted anticipatory bail vide order dated 20.05.2019 passed in MCRCA No.775/2019 therefore, present Applicant may also be granted anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, particularly considering that the complainant is residing separately from her husband and she has lodged a report after seven months and further considering the fact that the co-accused persons have already been granted anticipatory bail therefore, in these circumstances, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge