

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A.) No. 1106 of 2019

- Sushil Yadav S/o Shri Vidyadhar Yadav Aged About 31 Years
Occupation Servant, R/o Village Kharkatta, Police Station And Tahsil
Pathalgaon, District Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Pathalgaon, District Jashpur Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For State/respondent	: Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-08-2019

Heard.

1. Apprehending arrest in connection with Crime No.109/2019, registered at Police Station– Pathalgaon, Civil & Revenue, District- Jashpur, Chhattisgarh for offence punishable under Section 498(A) of the I.P.C., the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the marriage of the applicant with the complainant is about 7 years old. Infact, the complainant herself does not want to reside in her matrimonial house with her in-laws. A dispute arose in the year 2015 and the complainant had left her matrimonial home and subsequently, a compromise took place in which she made a demand that she does not want to live with her in-laws. As it is alleged in F.I.R. that the complainant was driven out from her matrimonial home on 23.03.2019 when the applicant was present on his duty in Barsur, District- Dantewada (C.G.), therefore he

has not committed any offence. The other co-accused persons have been granted anticipatory bail by the Court below itself. Hence, it is prayed that this applicant is entitled for grant of anticipatory bail.

3. Learned counsel for the State opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the marriage of the applicant with complainant took place on 24.11.2012. There is allegation that the applicant, who is a Member of Police Force, is posted in Dantewada, because of which he had to live in Dantewada. The complainant simply refused to go with him, therefore, while residing in her matrimonial home with her in-laws, it is alleged that the in-laws of the complainant used to torture the complainant on various pretexts and also made demand of dowry. Therefore, this F.I.R. has been lodged on 29.05.2019.
6. Considering on the material present in the case diary, there is evidence to show that this applicant was not residing with his parents but the complainant used to reside, where the alleged incident has taken place. Therefore, after overall consideration, I feel inclined to allow this application.
7. Hence, the bail application filed under Section 438 of Cr.P.C. is allowed.
8. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika