

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 1308 of 2019**

- Moh. Akbar S/o Sher Mohamad, Aged About 37 Years R/o Bajrangpara, Sonumuda, Raigarh, Police Station City Kotwali, Tahsil and District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through - S. H. O. Jute Mill Chowki, Police Station - City Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Krishna Tandon, Advocate.

For Respondent/State : Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****22/10/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 452/2019 registered at Police Station City Kotwali, Jute Mill Chowki, District – Raigarh, (C.G.) for the offence punishable under Section 498-A of I.P.C.
2. In this case, Applicant is the husband of Complainant Rabiya Begum. Their marriage was solemnized in the year 2013. Allegedly, after marriage, Applicant and his family members used to torture the Complainant and also demanded Rs. 5 Lakhs as dowry from her. It is alleged that in 2015 Complainant was expelled out from her matrimonial house and thereafter she went to her parental house. After the Complainant was brought back from her parental house in January, 2019, she was again harassed by Applicant and his family members for dowry. Thereafter, on 15.06.2019, Complainant lodged

F.I.R. against the present Applicant.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that Complainant herself was not ready to live with the Applicant in her matrimonial house and started living in her parental house on her own will. On 19.01.2019, Complainant and Applicant both indulged in a quarrel and the said matter was reported in the police station by the Applicant. Thereafter, on 15.06.2019, a false and fabricated report has been lodged by the Complainant against Applicant. It is further submitted that other co-accused persons have already been granted anticipatory bail. Therefore, Applicant may also be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the facts and circumstances of the case that, Complainant was living separate from Applicant since 2015 and again she came in her matrimonial house in January, 2019 and thereafter, on 15.06.2019 Complainant lodged report, also considering the fact that co-accused persons have already been granted anticipatory bail, thus, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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