

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 1260 of 2019**

- Vaibhav Raj Patel S/o Rajkamal Patel Aged About 32 Years Occupation Businessman, R/o Darogapara, Raigarh, Tahsil and District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station City Kotwali, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Upasna Mehta, Advocate.
For Respondent/State	: Shri Ajay Kumrani, P.L.
For Objector	: Shri Ravindra Agrawal, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****15/10/2019**

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. 458/2019 registered at Police Station City Kotwali, Raigarh, District – Raigarh, (C.G.) for the offence punishable under Section 498 A of I.P.C.
2. As per the prosecution story, Applicant is that husband of Complainant Priyanka Patel. Their marriage was solemnized in the year 2018. On 19.06.2019, F.I.R. has been lodged by Priyanka Patel. As per the report, allegation against the present Applicant is that Complainant was subjected to cruelty by the present Applicant for demand of dowry. It is alleged that Applicant has demanded 12-13 Lakh Rupees as dowry and used to tortured her for the same. It is also alleged that Applicant used to abuse Complainant in filthy languages and he threw

her out of the house after beating her. On the basis of the said report, offence has been registered.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. She further submits that Complainant was suffering from sickling disease and the same fact was hidden by the family members of the Complainant at the time of marriage. On 07.01.2019 Complainant called her parents and went to her parental house alongwith her parents. It is further submitted that Applicant has also lodged a complaint on 30.04.2019 regarding threatening by family members of the Complainant. Applicant has also preferred an application before Akhil Bhartiya Aghariya Samaj, Raigarh regarding settlement between both the parties. Thereafter, Complainant has lodged a false report against the Applicant. From 21.01.2019, Complainant is living separate from her husband and after a gap of six months she has lodged report. Therefore, *prima facie*, no case is made out against the present Applicant. Looking to the above, Applicant may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State and Objector oppose 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 and particularly considering the fact that Complainant is living separate from her husband in her parental house and after a gap of six months she has lodged report against Applicant, 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