

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1341 of 2019

- Domeshe Vaishnav @ Pankaj Vaishnav S/o Damodar Das Vaishnav
Aged About 22 Years R/o House No. 18/32, Nehru Chowk, Ward No.
33, Sarona, Police Station Urla, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station In Charge, Police Station
Mahila Thana, Bhilai Nagar, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anmol Sharan, Advocate.
For Respondent/State	: Mr. Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/11/2019

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. 49/2019, registered at Police Station Mahila Thana, Bhilai Nagar Distt. Durg (C.G.) for the offence punishable under Section 498-A and 34 of the IPC.
2. In this case there are total five accused persons. As per prosecution story, the applicant is the husband of complainant Rajeshwari. On 12.07.2019, complainant lodged a written complaint against the applicant alleging therein that her marriage with the applicant was solemnized on 26.07.2018 in *Arya Samaj* without permission of their family members, after their marriage their families took some time to accept their marriage and finally they both were living with the family

of present applicant. Allegedly, after sometime, the applicant and his family members started harassing the complainant on account of demand of dowry. On the basis of said complaint, 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 further submits that the complainant was residing separately since 07.01.2019 and after six months, she has lodged a report on 12.07.2019 for falsely implicating the applicant. He further submits that on 27.12.2018, the complainant left the company of his husband/applicant and went Agra (U.P.) with one Hemlal and then she returned. From 07.01.2019 they both were residing separately. He further submits that since, their marriage has been performed in *Arya Samaj*, therefore, no question regarding demand of dowry can be made out. He lastly submits that the other co-accused persons have already been granted benefit of bail by the Trial Court itself, the applicant is a reputed person of his society, he is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit 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, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the complainant was residing separately from her husband since 07.01.2019 and after six months she has lodged a report on 12.07.2019. 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