

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1385 of 2019

- Gopal Tiwari S/o Guneshwar Prasad Tiwari Aged About 29 Years R/o Shatabdi Nagar Son Ganga Colony, Seepat Road, Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, Civil And Revenue District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Ms. Madhunisha Singh, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.
For Objector	: Mr. Tarun Dansena Advocate on behalf of Mr. Dharmesh Shrivastava.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/11/2019

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. 702/2019, registered at Police Station Sarkanda, Distt. Bilaspur (C.G.) for the offence punishable under Sections 498-A, 294, 506 & 323 read with Section 34 of the IPC.
2. In this case, the applicant is the husband of complainant Khushbu. On 10.07.2018, their marriage was solemnized. On 03.08.2019, report has been lodged by the complainant alleging therein that after the marriage, the applicant and his mother used to demanded for

dowry and after denial of the complainant they used to beat her. 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. She further submits that the complainant herself not wanted to live in her laws house, she herself left her laws house and also she threatened the applicant and co-accused for falsely implicating them. Allegedly, the incident occurred on 28.07.2019 and prior to that on 31.07.2019, the applicant has lodged a complaint before concerned police station and thereafter on 03.08.2019, complainant lodged a report against them. She further submits that earlier also on 18.01.2019, the applicant lodged a complaint before concerned police station alleging therein that the complaint used to threatened him for left his house and implicating him in a false case. The applicant is a reputed persons and there is no chance of his absconding. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State and objector 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 earlier the applicant lodged complaint against the complainant and before the alleged incident also, the applicant lodged a report against the applicant. 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