

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1483 of 2019

- Rizwan Khan S/o Mohammad Irfan Khan Aged About 24 Years Near Masjid, Azad Chowk Mohalla, Camp-01, Bhilai, Tahsil And District-Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Mahila Thana Sector- 06, Bhilai, District- Dug, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Gupta, Advocate.
For Respondent/State	: Mr. Amit Kumar Verma, P.L.
For Objector	: Mr. Uttam Pandey, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/11/2019

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. 37/2019, registered at Police Station Mahila Thana, Sector-06, Bhilai, Distt. Durg (C.G.) for the offence punishable under Sections 498-A/34 of the IPC and Section 4 of Dowry Prohibition Act.
2. As per prosecution story, the applicant is the husband of complainant Muskan Bano, their marriage was solemnized on 22.03.2019. On 12.06.2019, complainant Muskan Bano lodged a report in police station alleging therein that, the applicant has already married with another lady on 29.12.2018 in Uttar Pradesh and without giving divorce to her earlier wife, he married with her. The parents of the

applicant were not allowed them to live in their house, therefore, he kept her in a rented house. Thereafter, the applicant being allured by his family members demanded money and tortured his wife/complainant. On the basis of said report made by the complainant, 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 virtually there was a love relationship between the complainant and the applicant, therefore, no demand of dowry can be arise. There was no allegation made by the complainant against the applicant, she only made allegations against the family members of the applicant. He further submits that family members of the applicant have already been granted benefit of bail by the Sessions Court itself. Prima Facie no offence can be made out against the applicant. There was a delay of one month in lodging the FIR also. Hence, it is prayed that the applicant may also be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of the 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 there was no specific allegations have been made by the complainant against the applicant, other co-accused persons have already been granted benefit of bail by the Sessions Court itself. 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