

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1550 of 2019

- Akshat Kabra S/o Murari Kabra Aged About 30 Years R/o 102, Ashoka Ratan, Vidhan Sabha Road, Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station Incharge, P.S.- Mahila Thana, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Aditi Singhvi, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.
For Objector	: Mr. Aman Pandey, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/12/2019

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. 64/2019, registered at Police Station Mahila Thana, Distt. Durg (C.G.) for the offence punishable under Section 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 Purvi Sinha, their marriage was solemnized on 08.02.2018. On 16.08.2019, complainant lodged a complaint in concerned police station alleging therein that after some time of her marriage, the applicant and her in-laws physically and mentally tortured her and demanded BMW and Audi car as dowry. Thereafter, the complainant

and the applicant was lived together in Ahmadabad where the applicant was having an illicit relationship with another lady and due to which he tortured the complainant. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated by the complainant due to some dispute between them. The complainant herself does not want to live with her husband. The Counsel further submits that the complainant residing separately since 5-6 months from her husband and thereafter she lodged a false report against the applicant. She made a false allegation that her husband was having an illicit relationship with another lady and on this ground, she filed an application for taking divorce with her husband. The Counsel finally submits that no case under Section 498-A of the IPC can be made out against the applicant. The applicant is a reputed person of his society 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 and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by the learned counsel appearing for the parties and further considering the fact that the complainant has filed an application for taking divorce with her husband and she herself residing separately from her husband since 5-6 months. Without further commenting on other merits of the case, in my considered opinion, the present applicant is entitled to grant of anticipatory bail.
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 solvent 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