

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1591 of 2019

- Hemant Bhatiya S/o Manohar Lal Bhatiya Aged About 34 Years R/o D-407, Sector-5, Tagore Nagar, District – Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

AND

MCRCA No. 1595 of 2019

- Ritesh Bhatiya S/o Manohar Lal Bhatiya Aged About 38 Years R/o D-407, Sector-5, Tagore Nagar, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, District- Raipur, Chhattisgarh.

---- Respondent

For Applicants (both cases)	: Shri Goutam Khetrapal, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

19/12/2019

Heard,

1. Since, both the cases arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 356/2019 registered at Police Station City Kotwali, District – Raipur, (C.G.) for the offence punishable under Sections 498-A (wrongly mentioned as 489-A in bail application) 323, 34 of Indian Penal Code.
3. As per the prosecution story, marriage of the complainant was solemnized with applicant Hemant Bhatiya (MCRCA No. 1591/2019) on 18.10.2013. Out of their wedlock, a girl was born on 05.08.2014. Allegedly, after the marriage, present applicants used to treat the complainant with cruelty for demand of dowry, against which earlier a written report was submitted by her to the police station Mahila Thana – Raipur in the year 2017. Thereafter, both the parties amicably settled the dispute and started living together. On 12.04.2019, a written report was again made by the complainant alleging that after the settlement, applicants again used to torture her.
4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that after the settlement, complainant and applicant Hemant Bhatiya have mutually filed divorce petition. Thereafter, complainant was left with no grievance, and an affidavit in this regard was also submitted before the concerned S.H.O. of the

police station. It is further submitted that both the parties have settled their dispute and complainant herself does not want to take any action against present applicants. Therefore, it is prayed that, applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that both the parties have settled their matter, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, the bail applications are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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. They shall also abide by all the following terms and conditions :

- (i) They 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) They shall not act in any manner which will be

prejudicial to fair and expeditious trial, and

- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash