

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1632 of 2019**

- Diwaker Choubey S/o Satish Choubey Aged About 32 Years R/o Ganga Nagar, Phase-2, Mangla, Police Station Civil Lines, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Mahila Thana Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Surfaraj Khan, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****09/12/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 34/2019 registered at Police Station Mahila Thana, Bilaspur, District – Bilaspur, (C.G.) for the offence punishable under Sections 498-A, 34 of I.P.C.
2. According to the case of the prosecution, present applicant is the husband of the complainant Smriti Choubey. Their marriage was solemnized on 10.06.2015. On 19.09.2019, complainant lodged a report alleging therein that after marriage, applicant and other co-accused persons used to harass and commit mar-pit with her for demand of dowry. On the basis of the said, offence has been

registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that complainant on her own will has left the house of her husband since 2017. On 10.03.2018, applicant filed an application under Section 9 of the Hindu Marriage Act to bring back her wife. Also, application under Section 13 was filed, inspite of that complainant did not returned to her matrimonial home. Thereafter, complainant lodged report against applicant just to create pressure on him. He further submits that, *prima facie*, no case is made out against present applicant. Thus, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. 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 complainant had lodged F.I.R. only after filing of application under Section 9 and 13 of Hindu Marriage Act by her husband, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection

with the aforesaid crime, he shall be released on anticipatory bail on 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. He shall also abide by all the following terms and conditions :

- (i) He 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) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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