

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1618 of 2019

- Faiz Ahmed S/o Shakil Ahmed Aged About 26 Years R/o C-224/b, Sector 6, Vallab Nagar, Police Station Rajendra Nagar, Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/12/2019

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. 405/2019, registered at Police Station Civil Lines, Distt. Bilaspur (C.G.) for the offence punishable under Sections 452, 498-A, 294, 506-B r/w Section 34 of the IPC and Section 4 of the Muslim Women Protection of Rights on Marriage Act, 2019.
2. As per prosecution story, marriage of daughter of complainant Shifa Anjum and the applicant was solemnized on 08.11.2017 at Raipur. Allegedly, after three months of the marriage, the applicant and his family members used to tortured Shifa Anjum on account of demand of dowry. On 07.09.2018, the applicant and other co-accused persons called the complainant and asked him to take his daughter.

Even after two months, the applicant neither received any phone call nor made any effort to take his wife back. On 01.03.2019, in-laws of Shifa Anjum came to the house of complainant, but again some quarrel has taken place between the parties. On 21.04.2019 also, the applicant and his family members entered into the house of complainant and started abusing the complainant party. A written report made by the complainant in this regard but police has not taken any action, therefore, an application under Section 156 (3) of Cr.P.C. was preferred. As directed by learned JMFC, police has registered the crime in question.

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 on 20.11.2019, a mediation proceeding was conducted in District Court Bilaspur before mediator, during mediation proceeding both the parties have settled their matter as per settlement agreement **Annexure-A**. According to the settlement the applicant has given a cheque of Rs. 7 lacs to the complainant party and now there was no dispute between them. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State 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 both the parties have settled their matter and according to the settlement the applicant has given a cheque of Rs. 7 lacs to the complainant party. 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. 20,000/- 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 themselves 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