

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 259 of 2020

- Pankaj Meshram S/o Late Gunwant Rao Meshram Aged About 32 Years
R/o Kosa Nagar, Santosh Chowk, Supela District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Supela District Durg Chhattisgarh

---- Respondent

For Applicant	:	Mr. Pawan Kesharwani, Advocate.
For Respondent/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/06/2020

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.49/2020 registered at police station–Supela, District- Durg (C.G.) for alleged commission of offence under Sections 498A & 34 of Indian Penal Code.

2. Prosecution case is that after marriage of the applicant along with complainant-Sheetal on 10.12.2018, applicant was subjecting his wife-Sheetal to cruelty in connection with demand of dowry. It is further stated in the FIR that after the complainant caught her husband and sister-in-law in compromising position on 06.01.2019, the behaviour towards the wife became more strict and finally applicant left his wife in Durg Railway station on 11.01.2019 pressuring her to go back to her parental house. Her Jewellery and cash were retained by sister-in-law and co-accused Ekta Meshram.

3. Learned counsel for the applicant submits that the allegations against the applicant are vague, unspecific and hardly make out a case of commission of offence under Section 498A of IPC. He would submit that because of dispute between the parties, the wife left the matrimonial house on 11.01.2019 and later on, they entered into an agreement on 14.03.2019 to divorce by

mutual consent and other terms agreeable to both. However, long thereafter on 23.01.2020, FIR has been lodged on exaggerated allegation. It is also submitted that in proceedings under Section 125 Cr.P.C. maintenance has also been awarded to the wife which is paid by applicant. Therefore, institution of criminal case, at belated stage, is only intended to improve bargaining position of the complainant's side.

4. On the other hand, learned counsel for the State opposes and submits that in the FIR, clear allegation of harassment and cruelty against the applicant from the beginning soon after marriage which continue, therefore, prima facie, case is made out.

5. Having considered the submissions of learned counsel for the parties, particularly taking into consideration that even according to complainant, she left matrimonial house on 11.01.2019 and according to an agreement between the parties on 14.03.2019 seeking mutual divorce and that report has been lodged after almost one year of leaving matrimonial house and there are no specific allegation of physical violence, present is a fit case for grant of anticipatory bail. The bail application is accordingly allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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 facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge