

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 395 of 2020**

- Kunal Ishwar S/o Sunil Kumar Aged About 27 Years R/o Village Digghikala East Krishna Nagar, Thana Hajipur Sadar, District Vaishali (Bihar)

---- Applicant

Versus

- State Of Chhattisgarh Through Women Police Station Sector 6 Bhilai Durg District Durg Chhattisgarh

---- Respondent

For Applicant	:	Mr. Akhilseh Kumar, Advocate.
For Respondent/State	:	Ms. Fouzia Mirza, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****24/06/2020**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.38/2019 registered at police station – Women Police Station, Durg, District Durg (C.G.) for alleged commission of offence under Section 498(A) read with 34 of Indian Penal Code & Section 4 of Dowry Protection Act.

2. The prosecution case is that the complainant was married to the applicant on 18.02.2018. However, soon after marriage, she was subjected to cruelty, torture by the applicant and his family members in connection with the huge amount of demand of dowry of Rs.20 Lacs. After four months, the prosecutrix was returned back to her parental house. It is alleged that the applicant and his family members are greedy and have been demanding huge dowry and despite having received more than Rs.10 Lacs, the cruelty did not come to an end.

3. Learned counsel for the applicant submits that allegations against the applicant are exaggerated. He would submit that there is a dispute between applicant and his wife due to which the wife left the matrimonial house only after four months of marriage on 28.06.2018. At that time, she had taken all her belonging and jewellery. It is further submitted that thereafter, the relatives of the complainant started coming to the house of the applicant and he was

being threatened due to which he had to file criminal complaint against those relatives, before the Chief Judicial Magistrate on 01.08.2018. Finally, when things could not settle, the applicant filed application for grant decree of divorce on 02.02.2019. It is only thereafter that the complainant started approaching the police station for counselling and finally she lodged report on 12.06.2019.

4. On the other hand, learned counsel for the State and learned counsel for the Objector oppose and submit that allegations of torture, harassment in connection with demand of dowry and collecting Rs.10 Lacs from the complainant's father are very specific. It is further submitted that even when the complainant approached the police station on 25.04.2019 and the applicant was called for counselling, he did not come. Finally, on the basis of allegation, offence has been registered.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that even according to the complainant, she came back to the parental house on 28.06.2018, but the FIR was lodged as late as on 12.06.2019 that too after filing of divorce petition by the applicant in the month of February, 2019, present is fit case for grant of anticipatory bail.

6. The application is accordingly allowed and 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 sureties 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