

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 635 of 2020

- Rehan Hussain S/o Faiyaz Hussain, Aged About 36 Years R/o - Near Kukripara Masjid, Subhash Nagar, Police Station - Purani Basti, Raipur, District - Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station - Mahila Thana, Raipur, District – Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Shivendu Pandya, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

06/08/2020

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 20/2020 registered at Police Station Mahila Thana, Raipur, District - Raipur, (C.G.) for the offence punishable under Section 498-A/34 of the Indian Penal Code.
3. As per the case of the prosecution, present applicant is the husband of the complainant Smt. Shabnam Parveen. Their marriage was solemnized on 07.10.2018. On 18.8.2019, a written complaint was made by the complainant alleging therein that after her marriage, she

was subjected to cruelty on account of demand of dowry by the present applicant and other co-accused persons. It is further alleged that there was illicit relationship between the applicant and his sister-in-law and when complainant objected about the same, then she was harassed and tortured by the applicant. On the basis of the said report, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute with his wife. He further submits that complainant left her matrimonial house on 30.6.2019 with her father and F.I.R. has been lodged after a gap of two months. It is further submitted that only general allegations have been made against applicant. Other co-accused persons have already been granted benefit of anticipatory bail by the Sessions Court. Looking to the above, it is prayed that applicant may also 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.
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 complainant left her house on 30.6.2019 and F.I.R. has been lodged after a gap of two months and other co-accused persons have already

been granted benefit of anticipatory bail by the Sessions Court, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the bail application is allowed.
9. 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/her 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