

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 682 of 2020**

- Mohd. Amir Khan S/o Mohd. Nasir Khan Aged About 29 Years R/o U M. I Colony Raigarh (Chhattisgarh) Current R/o Sonapali Near Gosiya Masjid Near District School P.S. Dhanupali Tehsil and District Sambalpur, (Odisha).

**---- Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer City Kotwali District Raigarh Chhattisgarh.

**---- Respondent**

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For Applicant : Shri Krishna Tandon, Advocate.

For Respondent/State : Smt. Hamida Siddiqui, Dy. A.G.

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**Hon'ble Shri Justice Arvind Singh Chandel****Order On Board****03/07/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No.267/2020 registered at Police Station Pussore, District Raigarh, (C.G.) for the offence punishable under Sections 498-A/34 of Indian Penal Code.
2. In this case there are total six accused persons. According to case of the prosecution, present applicant is the husband of the complainant. Their marriage was solemnized on 6.5.2018. On 11.10.2019 they were blessed with one child. On 19.3.2020, a report was lodged by the complainant alleging therein that after marriage and after the birth of

the child, present applicant and other family members of the applicant used to harass and torture the complainant on account of demand of dowry. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that complainant herself is residing separate from her husband (applicant) from the month of January, 2020. Earlier on 13.10.2019, a complaint was lodged by the applicant against his wife (complainant). Complainant herself does not want to live with applicant. Therefore, to create pressure, a false and fabricated report was lodged by the complainant. It is further submitted that other co-accused persons have already been granted benefit of bail. Therefore, it is prayed that applicant may also 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.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, particularly considering the fact that complainant herself is residing separate from her husband (applicant) from the month of January, 2020 and she lodged report on 19.3.2020, other co-accused persons have already been granted benefit of bail, 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**