

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 966 of 2020

Ankit Singh Thakur, S/o Mr. Naresh Singh Thakur, Aged About 30 Years R/o In Front Of Sahu Murti Bhandar, Main Road, Kailashpuri, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Mahila Thana, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. SP Yadav, Advocate.
For Respondent/State	: Ms. Sunita Jain, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/10/2020

1. The matter is heard through video conferencing.
2. 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. 38/2020, registered at Police Station Mahila Thana, Distt. Raipur(C.G.) for the offence punishable under Sections 498-A, 506, 377 & 34 of the IPC.
3. In this case, the applicant is the husband of the complainant, their marriage was solemnized on 08.12.2015. According to the case of prosecution, on 23.06.2020, FIR has been lodged by the complainant alleging therein that after her marriage, the applicant and her in-laws tortured and treated cruelty with her on account of demand of dowry. It is further alleged that on various occasions, the applicant had also committed unnatural sexual intercourse with her. On the basis of said report, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case.

He further submits that the complainant left her in-laws house in the month of August 2016 and since then she is residing separately. On 08.11.2019, when the applicant had filed an application under Section 13 of Hindu Marriage Act, thereafter, as a counter blast present false and fabricated report has been lodged against the applicant. The Counsel further submits that with regard to Section 377 of the IPC, there is no medical evidence available on record. The Counsel lastly submits that co-accused mother-in-law and father-in-law of the complainant have already granted benefit of anticipatory bail by Sessions Court itself. Hence, it is prayed that the applicant may also be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties, after perusal of contents of the FIR and further considering the fact that the complainant residing separately from the applicant since August 2016 and after four years when an application under Section 13 of Hindu Marriage Act filed by the applicant, present report has been lodged by the complaint. Further considering the fact that with regard to Section 377 of the IPC, there is no medical evidence available on record. Co-accused mother-in-law and father-in-law of the complainant have already granted benefit of anticipatory bail by Sessions Court. 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.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one solvent 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 accused/applicant shall made himself 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