

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1174 of 2020

Mukesh Singh S/o Late Harindra Pratap Singh, Aged About 37 Years,
Resident of H.C.L. Colony 78/D, Ruabandha, Sector-Bhilai, Tahsil and
District : Durg, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh through The Station House Officer, Police Station
Mahila Thana Durg, District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Sanjay Kumar Agrawal, Advocate.

For Respondent/State : Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

14.10.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First 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.33/2020, registered at Police Station: Mahila thana, Durg, District: Durg (C.G.) for the offence punishable under Section 498-A & 34 of IPC.
3. In this case, the Applicant herein, is the husband of the complainant. Marriage of the complainant along with the present Applicant solemnized on 21.05.2017. On 11.06.2020, a written report has been filed by the complainant wherein, it has been alleged that, after the marriage, the present Applicant demanded Rs.2 Lakhs as dowry and due to non-fulfillment of his demand the Applicant expelled her out from his house. On the basis of said report, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case due to some dispute with her wife. Virtually, after the marriage complainant herself doesn't wanted to live with the Applicant and in order to create pressure upon the Applicant present FIR has been lodged. He also submits that the complainant is residing separately since 12.11.2018, earlier also in the year 2018, she made report against the present Applicant and after counseling the matter was settled between them in the month of March, 2019. He further submits that at the time of recording of First Information Report no allegations regarding demand of dowry was made by the complainant therefore, he prays for grant of anticipatory bail to the Applicant.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and after perusal of the entire material evidence available on record as well as the annexed documents, 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 in the sum of Rs. 25,000/- with one 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 the 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 her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge

Saurabh