

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1355 of 2020

Mukesh Patel S/o Chamar Singh Patel, aged about 28 years R/o Village Parsada, Thana Bhupdevpur, Tehsil & District : Raigarh, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Thana Incharge Pusour, Raigarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	: Mr. Rakesh Pandey, Advocate.
For Respondent/State	: Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04.11.2020

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.154/2020, registered at Police Station: Pusour, District: Raigarh (C.G.) for the offence punishable under Section 498-A, 506 & 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 25.06.2019. On 21.08.2020, a written report has been filed by the complainant wherein, it has been alleged that, from 25.06.2019 to 21.08.2020, the present Applicant along with his father and sister used to harass her and used to demand dowry such as car, cash etc from her. It is further alleged that the present Applicant expelled the complainant from his house on 25.02.2020 and after that the complainant used to live in her paternal 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. He submits that the complainant wanted to reside separately and she herself left the house of the present Applicant. He further submits that she is residing separately since 25.02.2020 and FIR has been lodged after six months i.e on 21.08.2020. Learned counsel further submits that the co-accused namely Chamar Singh who is the father of the Applicant has been already granted benefit of anticipatory bail by the lower Court itself 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, also considering this fact that complainant is residing separately since 25.02.2020 and FIR has been lodged after six months and further considering the fact that on the same set of allegations co-accused has been already granted benefit of anticipatory bail, 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