

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1470 of 2019

Virendra Kumar Dhobi S/o Bisahu Ram Dhobi Aged About 35 Years R/o Village Kapan, Police Station-Naila District- Janjgir Champa Chhattisgarh, Second Address- House No. 48, 49 Kanhaiya City Colony, Bandhwapara, Police Station Sarkanda, District-Bilaspur, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through The Station House Officer, Police Station Sarkanda, Civil And Revenue, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Punit Ruparel, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.
For Objector : Mr. S.B. Pandey.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/03/2020

1. 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. 743/2019, registered at Police Station Sarkanda, Distt. Bilaspur, Chhattisgarh for the offence punishable under Sections 498-A, 506 & 323 of the IPC.
2. As per prosecution story, the applicant is the husband of complainant Pooja Rajak, their marriage was solemnized on 31.01.2013. Out of their wedlock, they have blessed with two children. On 16.08.2019, complainant lodged a report alleging therein that after her marriage, the applicant and his family members used to torture her and demanded motor-cycle as a dowry. The applicant was working in Kazakhstan and he used to quarreled with the complainant telephonically. On 14.07.2019, when the applicant came to India then also he quarreled with the complainant and committed *Marpeet*

with her. On the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute between the complainant and the family members of the applicant. He further submits that before the date of lodging complaint against the applicant i.e. 16.08.2019, no report has been lodged by the complainant against the applicant. The Counsel further submits that earlier the complainant has filed an application under Section 125 of Cr.P.C. wherein she has stated that the monthly salary of the applicant is 3 lacs, in this condition, the applicant has demanded motor-cycle from the complainant as a dowry is not acceptable. The Counsel further submits that the complainant threatened the applicant for falsely implicating in some other matter. On 07.08.2019, the applicant has given an application in concerned Police Station regarding the same. The Counsel further submits that presently the complainant is residing in the house of the applicant along with her children. Prima facie no case under Section 498-A of the IPC can be made out against the applicant. The Counsel finally submits that the applicant is the reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that marriage between the parties solemnized in the year 2013. There was no report lodged by the complainant before 16.08.2019 and presently the complainant residing in the house of the applicant along with her children. 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.

7. Accordingly, the anticipatory bail application is allowed.
8. 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. 20,000/- 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