

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1585 of 2019**

Basant Kumar Thawait, S/o Shiv Kumar Thawait, aged about 30 years, R/o Village Jondhara, P.S. Pachpedi, Tahsil Masturi, District – Bilaspur, (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through- Station House Officer, Police Station- Pachpedi, District Bilaspur, (C.G.).

---- Respondent

For Applicant	:	Mr. C.K. Kesharwani, Advocate
For Respondent/State	:	Mr. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

10.01.2020

1. Heard.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.95/2019 registered at Police Station – Pachpedi, District – Bilaspur, (C.G.) for the offence punishable under Sections 498-A, 294, 506, 323/34 of I.P.C.
3. As per the prosecution story, present applicant is the husband of the complainant Rajeshwari. Their marriage was solemnized on 30.06.2017. On 01.09.2019, complainant lodged a report alleging therein that after her marriage, present applicant and other co-accused persons used to harass and torture her on account of

demand of dowry. It is alleged that applicant after consuming liquor, used to abuse and commit mar-pit with the complainant. On the basis of the above 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 complainant herself does not want to live in her matrimonial house, due to that she has created dispute with the applicant and other family members. Complainant had also lodged one report prior to the present case against the applicant. But later on, she admitted her mistake and withdrew the case. It is further submitted that complainant had gone to her parental house and refused to return to her matrimonial house. On 06.09.2019, applicant made one complaint against the complainant stating that the complainant had threatened him. He further submits that only general allegations have been made by the complainant against the present applicant and on the same set of evidence, co-accused persons have already been granted anticipatory bail by the Sessions Court. Therefore, it is prayed that applicant may be extended the benefit of anticipatory bail.
5. On the other hand, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Taking into consideration the submissions of both the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact

that only general allegations have been made by the complainant against the applicant and co-accused persons have already been granted anticipatory bail by the Sessions Court, therefore, without further commenting on other merits of the case, I am inclined to release the applicant on bail.

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 his furnishing a 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 will 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/her 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