

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1697 of 2019**

- Ashish Gupta S/o Ishwar Chand Gupta Aged About 42 Years Astha Vihar, Riddhi Siddhi Apartment C-2, Bharhut Nagar, Satana, Madhya Pradesh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Raigarh District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Goutam Khetrapal and Shri Avinash Chand Sahu, Advocates.
For Respondent/State	: Ms. Shriya Mishra, P.L.
For Objector	: Shri Bharat Gulabani, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****15/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 764/2019 registered at Police Station Kotwali, Raigarh, District – Raigarh, (C.G.) for the offence punishable under Section 498-A/34 of Indian Penal Code.
2. As per the prosecution story, applicant is the husband of complainant Abhilash Gupta. Their marriage was solemnized on 15.06.2015. On 18.09.2019 report has been lodged by the complainant alleging therein that after the marriage present applicant and other family members used to harass, ill-treat and torture the complainant on account of demand of dowry. On the basis of the above, offence has been registered.
3. Learned Counsel appearing for the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case under Section 498-A of I.P.C. is made out against present applicant. Also, complainant is residing separate from her husband since 21.01.2018. On 14.03.2018 applicant filed an application U/s 9 of Hindu Marriage Act. Thereafter, complainant filed an application U/s 125 of Cr.P.C. and compromise was done on 05.02.2019. Thereafter, on 18.09.2019, complainant lodged the report just to create pressure on applicant. Co-accused persons have already been granted benefit of anticipatory bail by Sessions Court itself. Looking to the above, it is prayed that applicant may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State and Objector oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that complainant is living separate from applicant since 21.01.2018 and report has been lodged after filing of various litigations, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory 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 Arresting Officer/Presiding Officer of the concerned trial Court. He shall also 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