

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1734 of 2019

- A. Govind Raju Arshvili S/o Late A.C.S. Rao Aged About 39 Years
R/o Ganpati Vihar, Borsi, Durg, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Mahila Police Durg, District- Durg,
Chhattisgarh.

---- Respondent

For Applicant	: Ms. Arti Chanda, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.
For Objector	: Mr. Jitendra Gupta, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/01/2020

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. 74/2019, registered at Police Station, Mahila Police Durg, Distt. Durg (C.G.) for the offence punishable under Sections 498-A, 34 of the IPC and Section 4 of the Dowry Prohibition Act.
2. As per prosecution story, on 27.09.2019, complainant/wife of the applicant namely Smt. Sana Sonal made a report against the applicant and other co-accused persons in concerned police station stating therein that her marriage with the applicant was solemnized in the year 2012 in Chennai, after their marriage when the complainant went to her matrimonial home, the applicant and other co-accused persons done cruelty with her. It has been alleged that in the year 2013, the applicant went to United States for doing his job

and in the year 2017 he posted in Chennai. During that period when the complainant went to him, the applicant done cruelty with her and also he was tortured the complainant, in Chennai also, he done the same thing with the complainant. In the year 2018, the applicant was posted at Pune, the complainant had visited to him, allegedly, on 13.08.2019, the applicant committed *marpeet* with her and left her alone. On 15.08.2019, she lodged a report in Pune in this regard. Thereafter, on 22.08.2019, she returned to her workplace. Later on when the complainant communicated with the applicant, he refused to return and closed all the contacts with her. On the basis of said report, 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 crime in question. She further submits that the complainant herself does not want to live in her matrimonial house and she resides in her parental house. The complainant is a government employee, she is an educated lady, she never made a report earlier regarding harassment and cruelty done with her by the applicant and other co-accused persons. The Counsel further submits that from the complaint itself, it is clear that the applicant and the complainant are not resided together for long, therefore, the applicant has tortured the complainant or done cruelty with her prima facie not established. The Counsel further submits that other co-accused persons who are the relative of the applicant have already granted benefit of bail by the Session's Court itself. Since, no case can be made out against the applicant, therefore, it is prayed that he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. Learned Counsel appearing on behalf of the Objector also opposes the bail application and submits that after the marriage, the applicant used to do cruelty with the complainant, in Pune also, he tried to

attempt to murder of the complainant, therefore, he may not be granted benefit of anticipatory bail.

6. I have heard learned Counsel for both the parties.
7. 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 the applicant lived separately with the complainant since 2013. The other co-accused persons have already granted benefit of bail by the Session's Court itself, without further commenting on other merits of the case, I am inclined to 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. 20,000/- 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 him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge