

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1749 of 2019

- Rakesh Soni S/o Rammilan Soni Aged About 34 Years R/o Village Pendra, Police Station Pendra, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Marwahi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Rakesh Pandey, Advocate.
For Respondent/State	: Smt. Seema Dixit, P.L.
For Objector	: Ms. S. Durga Sarni, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

02/03/2020

1. The Applicant is apprehending his arrest in connection with Crime No. 121/2019 registered at Police Station Marwahi, District – Bilaspur, (C.G.) for the offence punishable under Sections 498-A, 34 of I.P.C.
2. As per the prosecution story, present applicant is the husband of complainant Monika Soni. Their marriage was solemnized on 17.06.2017. On 22.09.2019, she lodged F.I.R. alleging therein that after the marriage, present applicant and other co-accused persons used to torture and harass the complainant for demand of dowry. On the basis of the said, 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 virtually complainant herself did not want to reside with the applicant, therefore, since July, 2018, she is residing

separate. It is further submitted that on various occasions applicant has also called the social meeting but complainant refused to attend the social meetings. It is further submitted that other co-accused persons have already granted anticipatory bail by the Sessions Court itself. Looking to the above, it is prayed that present applicant may also 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 particularly considering the fact that since July, 2018, complainant is residing separate, F.I.R. has been lodged after a gap of one year and other co-accused persons have already been granted anticipatory bail by the Sessions Court itself, therefore, 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 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 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