

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1887 of 2019**

- D. Santosh Kumar S/o Shri D. Krishna Rao Aged About 32 Years R/o House No. 18/190, Near Gaurav Provision, New Shanti Nagar, Tahsil And District Raipur, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines, Raipur, District Raipur, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Shri B.P. Sharma and Ms. Anmol Sharma,<br>Advocates. |
| For Respondent/State | : Shri Sushil Sahu, P.L.                               |
| For Objector         | : Shri Akash Kumar Kundu, Advocate.                    |

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**Hon'ble Shri Justice Arvind Singh Chandel****Order On Board****06/03/2020**

1. The Applicant is apprehending his arrest in connection with Crime No. 616/2019 registered at Police Station – Civil Lines, District – Raipur, (C.G.) for the offence punishable under Sections 498-A, 323 and 34 of the Indian Penal Code.
2. As per the prosecution story, present applicant is the husband of Complainant. Their marriage was solemnized on 26.02.2016. According to the complainant, after the marriage present applicant used to harass and torture her physically and mentally on account of demand of dowry. It is alleged that on 09.06.2018 applicant expelled the complainant from his house and left her in her parental house. Thereafter, a written complaint was filed by the complainant and on the basis of the said, offence has been registered.

3. Learned Counsels appearing for the applicant submit that the applicant is innocent and has been falsely implicated in the present case. They further submits that virtually, complainant herself does not want to reside with her husband (applicant) and used to create dispute in the house. Complainant herself had left her matrimonial house. During the counselling proceedings also, complainant refused to reside with the applicant. Thereafter, applicant has filed an application under Section 13 of Hindu Marriage Act for grant of decree of divorce. Looking to the above, it is prayed that present 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 particularly considering the fact that complainant herself is residing separate from her husband for the last one and half year, 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**