

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1961 of 2019

Bhavesh Kumar Singh Son Of Bhagwan Singh Aged About 40 Years Resident Of Raja Para (Garhbhitar) Raigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Mahila Thana Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	: Mr. Amit Kumar Verma, P.L.
For Objector	: Mr. Amiyakant Tiwari, Mr. Bharat Gulabani, Mr Galib Dwivedi, Advocates

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/03/2020

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. 73/2019, registered at Police Station: Mahila Thana Durg, District: Durg (C.G.) for the offence punishable under Section 498-A/34 of IPC and Section 4 of Dowry Prohibition Act.
2. The present Applicant is the husband of the complainant namely Archana Markam. Marriage of the present Applicant with the complainant was solemnized on 26.02.2019. As per the prosecution story, on 23.09.2019 the complainant lodged a report alleging therein that after her marriage the present Applicant along with other family members tortured her physically as well as mentally for demand of dowry. On the basis of said offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that the complainant herself doesn't want to live with the Applicant and she left the house of her husband on 12.03.2019 and thereafter on 17.06.2019 and application under Section 9 of Hindu Marriage Act was filed by the

Applicant, thereafter in counter-blast report has been lodged by the complainant. Therefore, he prays for grant of anticipatory bail to the Applicant.

4. Per contra, learned counsel appearing on behalf of State as well as the counsel for the objector opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by counsel for the parties and particularly considering the fact that in her report, complainant herself admitted that she is residing separately from 12.03.2019 and this report was lodged on 23.09.2019 and further considering the fact that prior to this report, an application under Section 9 of Hindu Marriage Act has been filed by the Applicant, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. 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. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made herself 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