

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1972 of 2019

- Iftekhar S/o Late Md. Israr Aged About 34 Years R/o Rajnagar, B - Type Colony, Q. No. - B / 58, Rajnagar Colliery Police Station - Ram Nagar, Tahsil Kotma, District - Anuppur, (M. P.)

---- Applicant

Versus

- The State Of Chhattisgarh Through Police Station - Surajpur, District - Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Abdul Wahab Khan, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

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. 332/2019, registered at Police Station Surajpur, Distt. Surajpur (C.G.) for the offence punishable under Sections 498-A & 325 of the IPC and Section 3 & 4 of the Dowry Prohibition Act.
2. As per prosecution story, on 22.09.2019, complainant/wife of the applicant namely Alia Siddiqui made a report against the applicant in concerned police station stating therein that her marriage with the applicant was solemnized on 05.06.2010, out of their wedlock they have blessed with a son. Allegedly, after the birth of their son, she was subjected to cruelty by the applicant on account of demand of dowry. It is further alleged that on 03.07.2019, the applicant has committed *marpeet* with the prosecutrix due to which her leg was

fractured, thereafter, on 07.08.2019 also, he again did the same thing, due to which her hand was fractured. 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. He further submits that virtually, after the marriage of the complainant and the applicant, the complainant used to quarrel with the applicant and does not want to reside with the family of the applicant. Due to quarrel, the applicant resided separately from his family along with the complainant. The Counsel further submits that in the year 2014-15, the complainant left the house of the applicant and for which the applicant has sent a legal notice to her wife/complainant dated 14.05.2015 for restitution of her conjugal rights vide (Annexure-A-2). Thereafter, her wife was returned but, she again did quarrel with the applicant alleging that he has a love affair with another lady. On 17.07.2019, the applicant has filed divorce petition, against the said divorce petition, for taking revenge with the applicant, the complainant has lodged a complaint on 22.09.2019 and falsely implicate the applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. 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 dispute between both the parties running since 2015 and after filing of divorce petition by the applicant the present case has been lodged, without further commenting on other merits of the case, I am inclined to 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. 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