

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2016 of 2019

Bhaskar Tiwari S/o Mr. Sarju Tiwari Aged About 25 Years R/o Village Sahijana,
P. S. Garhawa, District Garhawa Jharkhand

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Mahila Thana District Durg
Chhattisgarh

---- Respondent

For Applicant	: Mr. Raza Ali, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

17/03/2020

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. 51/2019, registered at Police Station Mahila Thana, Distt. Durg (C.G.) for the offence punishable under Sections 498-A, 34 of the IPC.
2. As per prosecution story, the applicant is the husband of complainant Anu Kumari. On 13.07.2019, she lodged a complaint in concerned Police Station alleging therein that after her marriage, the applicant and his family members tortured her and demanded Rs. 10 lacs as a dowry. On 27.03.2019 also, the applicant committed *marpeet* with the complainant and demanded dowry. On the basis of report made by the complainant, 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 present case due to some dispute with the complainant. He further submits that virtually after the marriage, the applicant and the complainant never resided together because the complainant studying in Durg (C.G.) and the applicant is residing in Jharkhand. They sometimes met with each other, since the applicant and the complainant performed love marriage and they both have never resided together, therefore, allegations regarding

demand of dowry and cruelty is false and fabricated. Prima facie no case can be made out against 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 the State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on 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 solvent 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 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