

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1993 of 2019

- Naveen Vaishnav S/o Late Rajendra Vaishnav Aged About 27 Years
Caste Bairagi , R/o Ward No 05, Parmeshwari Nagar, Ambagarh
Chowki , Police Station Ambagarh Chowki , District Rajnandgaon
Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Police Station Ambagarh
Chowki , Civil And Revenue District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant	: Mr. Punit Ruparel, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

03/01/2020

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. 224/2019, registered at Police Station Ambagarh Chowki, Distt. Rajnandgaon (C.G.) for the offence punishable under Sections 498-A & 323 r/w Section 34 of the IPC.
2. As per prosecution story, the applicant is the husband of complainant namely Durga Vaishnav. Their marriage was solemnized on 12.05.2019. On 10.11.2019, complainant lodged a report in concerned police station alleging therein that after her marriage, the applicant has demanded Rs. 1 Lakh as a dowry and for which he tortured and harassed the complainant. On 22.10.2019 also, the applicant and other co-accused persons beaten the complainant and expelled her from their house. 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 present case due to some dispute with the complainant. He further submits that the complainant herself does not want to live with her husband in his workplace, she used to doubt her husband and herself left her husband's house and resides separately. When the applicant sent a legal notice to her wife/complainant for returning home, for saving herself, she lodged the present complaint. The counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he 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 the parties and perused the case diary.
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 complainant herself living separately from the applicant since 10.12.2019 and firstly the applicant has sent the legal notice to her wife/complainant. 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. 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