

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2173 of 2019

Avinash Thawre W/o Kishor Kumar Thawre, Aged About 30 Years R/o House No. C/9, Type 3, Custom Colony, Sanjay Nagar, Police Station Tikrapara, Tahsil And Civil And Revenue District Raipur Chattisgarh. Present Resident Of C/o House Of Umar Vshya, Power House Chauk, Tahsil And Civil And Revenue District Jagdalpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Acting Through Officer-In-Charge Police Station Mahila Thana Durg, Sector 6, Bhilai, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Lukesh Kumar Mishra, Advocate.
For Respondent/State	: Mr. Devesh Verma, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

03/06/2020

1. The matter is heard through Video Conferencing.
2. 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. 87/2019, registered at Police Station: Mahila Thana Durg, Sector 6, Bhilai, District-Durg (C.G.) for the offence punishable under Section 498-A & 34 of IPC and Section 04 of Dowry Prohibition Act.
3. In this case, the Applicant is the husband of the complainant namely Nishigandha, their marriage solemnized on 04.02.2018. According to the case of prosecution, on 18.09.2019, the complainant lodged a report alleging therein that after her marriage, the Applicant as well as other co-accused persons tortured her and demanded dowry from her. On the basis of said, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that since, the Applicant has been posted in rural area that is why she herself didn't wanted to live with the Applicant and thereafter she left the house of the Applicant. He submits that the incident is of 22.04.2018 and the complainant made a report

after one and a half years i.e. on 18.09.2019. He further submits that other co-accused persons have been already granted benefit of bail by the Sessions Court itself. Hence, it is prayed that the Applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State and counsel appearing on behalf of the objector opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and also considering the fact that the complainant made a report after one and a half years of the incident, 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.
8. Accordingly, the anticipatory bail application is allowed.
9. 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 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