

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2141 of 2019**

- Vishal Roy S/o Bimal Kumar Roy Aged About 33 Years R/o Govind Nagar, Near Hotel Sham Rock, House No. 7/4 City Station , Dist. Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Mahila Thana, Bhilai District Durg Chhattisgarh.

---- Respondent

For Applicant : Shri Akash Kumar Kundu, Advocate.

For Respondent/State : Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****02/06/2020**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 84/2019 registered at Police Station Mahila Thana, Bhilai, District – Durg, (C.G.) for the offence punishable under Sections 498-A of I.P.C.
2. As per the case of the prosecution, applicant is the husband of complainant Shilpi Das. Their marriage was solemnized on 2.12.2018. On 18.7.2019, a written complaint was lodged by the complainant alleging therein that after the marriage, applicant and other family members used to harass and torture her on account of demand of dowry i.e. for cash of Rs. 10,00,000/- and a Swift Car. It is also alleged that applicant and his family members expelled the complainant from her maternal house. On the basis of the said, offence has been

registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that after the marriage, it was found that complainant was suffering from physiological disorder and the said fact was not disclosed by the parents of the complainant to the applicant at the time of marriage. After the marriage, complainant herself left the house on 25.03.2019. Thereafter, on 4.5.2019, application under Section 13 of Hindu Marriage Act for grant of divorce petition was filed by the applicant against the complainant. Thereafter, on 17.5.2019 also, applicant made a complaint against his wife. Therefore, in a counter-blast, a false and fabricated report was lodged by the complainant against applicant. It is further submitted that co-accused persons have already been granted benefit of anticipatory bail by Sessions Court. Therefore, it is prayed that present applicant may also be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the fact that co-accused persons have already been granted anticipatory bail by the Sessions Court, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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