

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 40 of 2020

Ajay Kumar Sahu S/o Dhanraj Sahu Aged About 28 Years R/o Village Medki,
Post Baghmara, Police Station Tehsil And District Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Balod,
District Balod Chhattisgarh.

---- Respondent

For Applicant : Mr. B.P. Singh, Advocate.

For Respondent/State : Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

25/02/2020

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. 444/2019, registered at Police Station Balod, Distt. Balod Chhattisgarh for the offence punishable under Sections 498-A & 34 of the IPC.
2. As per prosecution story, the applicant is the husband of complainant Kushali Sahu, their marriage was solemnized on 19.04.2018. On 15.10.2019, a written complainant has been filed by the complainant in concerned Police Station alleging therein that after the marriage the applicant and his family members used to tortured the deceased, treated cruel behavior with her and also used to beat her on account of demand of dowry. On 10.04.2019, the applicant expelled the complainant from his house and when the father of the complainant held social meeting, wherein the applicant refused to keep the complainant at his house since then the complainant residing in her paternal house. On the basis of above background, 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. He further submits that the complainant herself treated cruel behavior with the applicant and his family members, she herself does not want to live with the family members of the applicant due to that she used to quarrel with them. On 16.04.2019, the applicant has lodged a report in concerned

Police Station against the complainant for her cruel behavior with him and his family members. The Counsel further submits that the complainant residing separately from the applicant since 10.04.2019 and she lodged a false report on 15.10.2019. 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 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 and particularly considering the facts that the complainant residing separately from the applicant since 10.04.2019 and earlier, the applicant has lodged a report against the 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 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