

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 26 of 2021**

- Anup Kumar son of Brijmohan Prasad Gupta, aged about 37 years, R/o Bazar Dafai Ward No. 05, near Durga Mandir, Rajnagar, Colliery, Anuppur (M.P.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : The Station House Officer, Police Station Mahila Thana, Bilaspur, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Manish Upadhyay, Advocate.
For Respondent.	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/06/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.41/2020 registered at Police Station – Mahila Thana, Bilaspur, District Bilaspur (C.G.) for commission of the offence punishable under Sections 498-A and 34 of Indian Penal Code.
2. The prosecution story, in brief, is that the marriage of complainant was solemnized with the applicant on 28.11.2013. After six months of marriage, due to family pressure of complainant's family, both shifted and started residing at Bilaspur in rented house. During lock-down the applicant lost his job and due to this he shifted to his native place i.e. Anuppur but the complainant refused to come with

the applicant, and after seven years of marriage, offence under Section 498-A, 34 IPC has been registered against the applicant and his family members.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He also submits that the complainant herself does not want to reside with the applicant at his native place i.e. Anuppur citing the reason of rustic villager. He further submits that co-accused persons have been granted anticipatory bail by the trial Court, therefore, the present applicant may also be extended benefit of anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that according to the written report, the applicant did not come in the counseling, and there is allegation against the applicant with regard to demand of dowry.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the nature of allegation against the applicant, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the

case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation/medical examination before the concerned investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-

(Rajani Dubey)
Judge