

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 70 of 2021

Gourav Tatewar S/o Rajendra Tatewar Aged About 33 Years R/o Flat No. 503, Block- B, Dwarikadas Apartment Vikramaditya Marg, Agrawal Form Man Sarovar Jaipur, Tehsil Sanganer, District Jaipur Rajasthan., District : Jaipur, Rajasthan

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Sarangarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Varunendra Mishra, Advocate
For State	:	Shri Neeraj Pradhan, Panel Lawyer
For Objector	:	Shri M.K. Jaiswal, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/03/2021

Heard.

1. The applicant has filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as he is apprehending his arrest in connection with Crime No. 0012 of 2021, registered at Police Station- Sarangarh, District- Raigarh (C.G.) for the offence punishable under Section 498-A read with Section 34 IPC.
2. Case of the prosecution, in brief, is that the applicant- husband has been subjecting his wife to cruelty in many ways and the cruelty is in connection with demand of Rs.10 lakh, though, at the time of marriage also, huge amount was given. Further allegation is that husband and his family members used to compel the complainant to give entire salary in their

hands and also insisted her that she should arrange for Rs.10,000/- per month and because of such cruelty, she finally left the matrimonial house and came to her parental house on 31.7.2020. Even thereafter, she was being harassed and demands were being made by stating that either demand should be fulfilled or divorce should be given. Therefore, she filed written report in police station on 15.10.2020. When no action was taken on this report, the complainant again lodged report on 7.1.2021, on which, now the offence has been registered.

3. Learned counsel for the applicant would argue that though there were certain disputes between the husband and wife but even according to complainant, there are no serious allegation of any physical violence, but only of harassment in connection with demand of dowry and salary also. Even though the complainant came back to her parental house in the month of July 2020 itself, but the first report was lodged after about two and half months, on which, the police did not take any action as not cognizable. Then repeat complaint was made on 7.1.2021, on which now, the offence has been registered. Therefore, it is prayed, the applicant may be released on bail.
4. On the other hand, learned counsel for the State and counsel for the Objector submit that the contents of the report in writing clearly prima facie make out a case of commission of offence under Section 498-A IPC for not only demand of dowry but also insisting the wife to give entire salary in the hands of husband and mother-in-law and also continuous demand of dowry or giving divorce.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the contents of written report and further taking into consideration that there are no serious allegation with regard to cruelty or any physical violation or any injury to the complainant, present is a fit case for grant of anticipatory bail to the applicant.
6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/-

along with one local surety for the like amount to the satisfaction of the arresting officer, with following further terms and conditions that: -

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) the 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge