

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 64 of 2021**

- Radheshyam Agrawal S/o Shri Rajesh Agrawal, aged about 32 years, Caste - Agrawal, R/o present address Gopalpur, Koriyadadar, P.S. Chakradhar Nagar, Raigarh, District Raigarh (C.G.) Permanent Address - Ward No.6, Maszidpara, Dharamjaigarh, Police Station - Dharamjaigarh, District Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Police Station - Dharamjaigarh, District Raigarh (C.G.)

---- Respondent

For Applicant	:	Mr. Shrawan Agrawal, Advocate.
For Respondent.	:	Mr. B.P. Banjare, Dy. G.A.
For Objector	:	Mr. Hari Agrawal, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/06/2021**

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.243/2020 registered at Police Station - Dharamjaigarh, District Raigarh (C.G.) for commission of the offence punishable under Sections 498-A and 34 of Indian Penal Code.
2. The allegation against the present applicant is that he along with his family members harassed his wife-complainant Madhuri Yadav (now Madhuri Agrawal) for demand of dowry and also abused her. Further allegation is that complainant

was forced to establish unnatural sexual relation and solemnized second marriage.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. Learned counsel, referring the order of Family Court (Annexure A-3), submits that the complainant has not stated anything against the applicant. He also submits that co-accused i.e. mother of the present applicant has been granted anticipatory bail by the trial Court. Therefore, the present applicant may also be granted anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.
5. Learned counsel for the objector opposing the bail application submits that the applicant has performed second marriage without giving divorce to his first wife. He also submits that the trial Court has passed ex-parte order in restitution of conjugal right. The complainant could not attend the proceeding because she was deputed in Covid-19 duty.
6. 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.
7. 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