

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 227 of 2021**

- Shantanu Shitikanth Khanwalkar, S/o Dr. S R Khanwalkar, aged about 37 Years, R/o Rajsena, Plot No. 48, Jaidurga Layout 04, Besa Road Semalwada, Nagpur, Maharashtra.

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Mahila Thana, Durg, District Durg, Chhattisgarh.

----Non-applicant

For Applicant	Shri Yogendra Pandey, Advocate.
For State	Shri C.B. Kesharwani, P.L.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

29/06/2021

1. The matter is heard through Video Conferencing.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. as he is apprehending his arrest in connection with Crime No. 59/2020 registered at Mahila Police Thana, District Durg, C.G. for the offence punishable under Sections 498A of Indian Penal Code.
3. As per the prosecution case, marriage of the complainant- Mansi S Khanwalkar was solemnized with the applicant on 17.12.2012 and soon after the marriage she was being tortured and harassed mentally and physically on different occasions by the applicant in connection with demand of dowry. On report being lodged to the

above effect, the aforesaid offence has been registered against the applicant.

4. Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that no assault or cruelty was committed by the applicant and charge sheet has not yet been filed. The applicant is ready to abide by all such conditions as may be imposed by this Court while granting anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation leveled against the applicant, further considering the fact that the marriage of the complainant with applicant was solemnized on 17.12.2012 and after a long matrimonial life, FIR was registered against the applicant, both have matrimonial dispute for a long time and for this divorce application has also been filed in the Court of Civil Judge Senior Division at Pune, both were residing separately from each other, the applicant has no criminal antecedent, though the matter is under investigation, however, no apprehension is shown by the State counsel of his absconding or tampering with or influencing the witnesses, no custodial interrogation of the applicant is required, without commenting anything on merits of the case, this Court is of the

opinion that present is a fit case for granting anticipatory bail to the applicant. Accordingly, the 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 bail by the Arresting Officer on his furnishing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the Arresting Officer. Applicant shall be released on bail on the following conditions:-

- (i) he shall make himself available for interrogation before the Police as and when required,
- (ii) 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 or to the Investigating Officer,
- (iii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iv) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (v) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (vi) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh

