

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 315 of 2021

1. Dinesh Dhruv, aged about 27 years, S/o Late Bihari Lal Dhruv, Caste Gond, Occupation Police Constable, R/o Uday Nagar, Police Station Kanker, Tahsil & Distt. Kanker (CG)
2. Witrekha Dhruv, aged about 25 years, D/o Late Bihari Lal Dhruv, Caste Gond, Occupation Lecturer, R/o Uday Nagar, Police Station Kanker, Tahsil & Distt. Kanker (CG)

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Kanker District Kanker (CG)

---- Non-applicant

For Applicants	:	Mr. Rajesh Roshan Singh, Advocate
For Non-applicant	:	Mr. Anand Verma, Dy. Govt. Advocate
For Objector	:	Mr. Sunil Sahu, Advocate

Hon'ble Mr. Justice Parth Prateem Sahu
Order On Board

05/04/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicants as they apprehend their arrest in connection with Crime No.43/2021 registered at Police Station Kanker, District Kanker for commission of offence punishable under Section 498(A) & 34 of the IPC.
2. The prosecution story, in brief, is that marriage of applicant No.1 with the complainant was solemnized on 16.2.2020. After 2-3 months of marriage, disputes over trivial issues started between the family members of applicant No.1-husband and the complainant. Family members of the complainant used to taunt her for bringing articles of inferior quality in dowry. They also quarrelled with her frequently. Further allegation is that in-laws of complainant have demanded cash for repayment of vehicle loan taken by applicant No.1-husband. A counselling

between applicant No.1 and the complainant took place on 10.12.2020 and after the first date of counselling, FIR was lodged on 3.1.2021.

3. Mr. Singh, learned counsel for the applicants submits that from the counselling proceeding between the parties at Sakhi One Stop Centre, Department of Mahila Bal Vikas, Kanker, it is apparent that the allegations levelled against the applicants are false and baseless. He submits that after the marriage, the relation between applicant No.1 & the complainant were cordial, as is evident from photographs (Annexure A-2) which are taken in the month of April, 2020. However, when the complainant unable to adjust herself with her in-laws, some trivial disputes took place and she lodged a false report at the instance of her parents. Father of complainant is Inspector in Police Department. Applicant No.1 is in government job and posted as Police Constable in Cyber Crime Branch. Applicant No.2 is also working as Lecturer and there is no specific allegation against her. In counselling proceedings no satisfactory allegation is made. Instead of continuing with counselling proceedings, she lodged FIR and only on that ground the proceedings of counselling came to an end. Hence, both the applicants may be extended benefit under Section 438 of CrPC.
4. On the other hand, Mr. Anand Verma, learned State counsel opposes the application and submits that the complainant has levelled very serious allegations against present applicants in the FIR. However referring to counselling proceeding, he submits that the counselling took place on 10.12.2020 and next date fixed for counselling was 21.1.2021, on which date the complainant appeared and submits that she has reported the matter to the police.
5. Mr. Sunil Sahu, learned counsel for the Objector, while supporting the arguments advanced on behalf of the State, opposes the grant of bail to the applicants.

6. I have heard learned counsel for the parties.
7. Taking into consideration the nature of allegations, date of marriage i.e. 16.2.2020, counselling proceedings drawn between the parties on 10.12.2020 wherein the officer concerned has recorded that complainant could not be able to give satisfactory statement with regard to allegation of demand of dowry, the applicant No.1 is in government job and posted as Constable, and there is no specific allegation levelled against applicant No.2, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicants.
8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question, they shall be released on anticipatory bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
- (i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
 - (ii) that the applicants 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) that the applicants 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 them by the said Court till disposal of the trial.

Sd/-

(Parth Prateem Sahu)
Judge

roshan/-