

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 401 of 2021**

- Rangesh Sharma S/o Nand Kisor Sharma Aged About 37 Years R/o C-1, Flat No. 101, Gagan Lavish Behind Dharmavat Petrol Pump, Pisoli District Pune(Maharashtra)

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Mahila Thana Raipur, District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Akhand Pratap Pandey, Advocate
For Respondents/State	:	Shri Sidhdharth Dubey, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****27/07/2021**

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 08/2021 registered at Police Station Mahila Thana-Raipur, District Raipur for the offence punishable under Sections 498A, 506, 34 and 377 of I.P.C.
3. As per the prosecution case, the applicant was married to Neha Sharma on 29.06.2018 and after the marriage though the sufficient gift was given, however, the demand of Motorcycle and Rs.5 Lakhs dowry was made and it is also alleged that the applicant committed unnatural sex with the wife. Thereby the offence has been committed.
4. Learned counsel for the applicant would submit that the counseling documents would show that there was no demand of dowry and husband and wife were not compatible to each other and because of some reason or the other there was

no physical relation and eventually the husband filed a divorce petition at Pune thereafter this report has been made in the year 2021. Consequently, the applicant may be given the benefit of anticipatory bail.

5. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and read out the statement of the complainant and the mother.
6. Perused the proceedings recorded in the counseling. After going through the same, prima facie it appears that there was no demand of dowry or unnatural sex. It appears after the case was filed for divorce by the husband/applicant, the report has been made. Considering the same, without any observation on merits at this stage taking into the facts and totality of the case, I am inclined to allow this anticipatory bail application.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigation 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 so 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 them by the said Court till disposal of the trial.

Sd/-

Goutam Bhaduri
Judge

Ashu