

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 499 of 2021

- Rohit Sethi S/o Shri Ashok Sethi Aged About 39 Years R/o - A Kailashpuri, Ballupur Road Dehradun, Uttrakhand.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Mahila Thana Raipur Distt.- Raipur (C.G.)

---- Respondent

For Applicant	–	Mr. Akhand Pratap Pandey, Advocate
For State	-	Mr. Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.08.2021

1. Apprehending arrest in connection with Crime No. 23/2020 registered in Police Station Mahila Thana Distt. Raipur (C.G.) for offence punishable under Section 498(A)/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. As per the prosecution case, the applicant was married to Mamita Sethi (complainant) in the month of December 2005 and out of the wedlock, two children have been born. Subsequently, the complainant lodged an FIR on 26.07.2019 that the applicant has demanded 10 Lakhs Rupees as a dowry and has committed act of cruelty with her.

3. Learned counsel for the applicant submits that the marriage was solemnised between the applicant and the complainant in the year 2005 and after 14-15 years, the report has been made. It is stated that the husband has already filed an application for restitution of conjugal rights under Section 9 of the Hindu Marriage Act 1955 and thereafter the report has been made.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Considering the nature of complaint, the date of marriage, the time which has been passed and the copy of the application for restitution of conjugal rights under Section 9 of the Hindu Marriage Act 1955 has been filed and the fact that two children were born out of the wedlock and also taking into consideration the ambiguous allegation, this Court is inclined to release the applicant on bail. Accordingly, this anticipatory bail application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a personal bond to a sum of Rs. 25,000/- with one surety each in the like sum to the satisfaction of the concerned investigating officer. The applicant shall also abide by the following conditions:

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

Sd/-
(Goutam Bhaduri)
Judge