

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 509 of 2021**

- Saurabh Agrawal S/o Ram Bhagat Agrawal Aged About 32 Years Resident Of Wallfort City, Ring Road, Raipur Chhattisgarh

----Applicant**Versus**

- State Of Chhattisgarh Through Police Station Mahila Thana , Raipur Chhattisgarh

---- Respondent

For Applicant : Shri Anjinesh Shukla, Advocate

For Respondents/State : Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order****17/08/2021**

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. 26/21 registered at Police Station Mahila Thana, Raipur (CG) for the offence punishable under Sections 498A, 34 of IPC.
3. As per the prosecution case, a report was made by Ruchi Agrawal that she was married to the present applicant on 18.04.2014 and thereafter she was subjected to torture by the mother-in-law and sister-in-law and the husband i.e. the present applicant was also party to it. The FIR was lodged on 02.03.2021 that the husband has demanded money by way of dowry.

4. Learned counsel for the applicant would submit that the main allegations in the FIR were against the mother-in-law and sister-in-law there was incompatibility from them. He would further submit that the husband also tried to keep the wife in a separate residence and tried to settle their life but for some reason or the other the relationship could not continue. He would further submit that only general allegations have been made against the applicant and no custodial interrogation may be required in this case, therefore, 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 complaint/wife.
6. On the earlier occasion learned State counsel was directed to bring the documents of the counseling so as to read the same.
7. After going through the statement made during the counseling, the nature of allegations made against the husband/applicant are omnibus and the considerable time has passed as the out of the wedlock one child is also born. Taking into the totality of facts and the nature of allegations, I am inclined to allow this anticipatory bail application.
8. 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