

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 524 of 2021**

- Ashutosh Shukla S/o Rajendra Prasad Shukla, aged about 28 years, caste Brahman, R/o village Division Section, E.I.S.D. Marya Atomic, Research Centre Tokbe, Mumbai

---- Applicant**Versus**

- State of Chhattisgarh - Through : The District Station House Officer, Police Station Baikunthpur, District Koriya (C.G.)

---- Respondent

For Applicant : Mr. Vijay Kumar Sahu, Advocate.
For Respondent. : Mr. Sameer Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/04/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.31/2021 registered at Police Station - Baikunthpur, District Koriya (C.G.) for commission of the offence punishable under Sections 498-A, 294 and 34 of Indian Penal Code.
2. The prosecution story, in brief, is that the marriage of complainant was solemnized with the applicant on 12.12.2019, and till 20.01.2020 the complainant stayed in her matrimonial house. Thereafter, from 04.08.2020 to 16.08.2020 she stayed in her matrimonial house. According to the complainant, just after two days of marriage she was harassed by the applicant and in-laws for demand of dowry.

The applicant forcibly established physical relation with her and physically assaulted her. Based on this, offence has been registered against the present applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the counseling between the parties was held and in the counseling, the complainant herself does not want to live with the applicant. He also submits that the applicant is young scientist working in the E.I.S.D. Marya Atomic Research Centre Tokbe, Mumbai and if he is arrested, there is every likelihood that he may lose his job.
4. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that there are various allegation against the applicant with regard to demand of dowry.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the nature of allegation against the applicant, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the

case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation/medical examination before the concerned 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 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/-

(Rajani Dubey)
Judge