

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.575 of 2021

- Nitin Agarwal, S/o Ashwinkumar Agarwal, aged about 36 years, R/o 701, Sharanya Bellevue, Near Baghban Party Plot, Besides Krishna Bungalow, Thaltej, Ahmedabad, Gujarat-380059.

---- Applicant

Versus

- State of Chhattisgarh, through S.H.O., Police Station Mahila Thana, District Raipur (CG)

---- Non-applicant

For Applicant	:	Mr. Maneesh Sharma, Advocate
For Non-applicant	:	Mr. Srikant Kaushik, Panel Lawyer
For Objector	:	Mr. Rahim Ubowani, Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

9/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.29/2021 registered at Mahila Thana, Raipur (CG) for commission of offence punishable under Sections 498A, 323 & 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that marriage of complainant is solemnized with co-accused Vicky Agarwal on 28.4.2017. After marriage, present applicant and in-laws of complainant started harassing and ill-treating her for demand of dowry. The in-laws of complainant including present applicant did not permit the complainant to stay in the company of her husband. When the complainant talked to her husband in this regard, he told her that till the demands of his family members are fulfilled, she has to reside separately. Apart from this, there is further allegation that on 5.3.2021 when the complainant went to Ahmedabad from Raipur, she was not allowed for long time to enter into the society where applicant and other accused persons are residing. When the complainant was returning back from the society, present applicant and co-accused Vicky Agrawal abused and

assaulted the complainant as a result she sustained injuries on her person. Next day the complainant came back to Raipur and lodged complaint based on which instant crime is registered against present applicant and others including in-laws and husband of complainant.

3. Mr. Maneesh Sharma, learned counsel for applicant would submit that allegations levelled against present applicant are false and frivolous. Applicant has filed documents on record showing that the complainant has lodged false report. He further submits that process of compromise is going on between the parties and dispute is likely to be resolved amicably. Hence, present applicant may be enlarged on anticipatory bail.
4. On the other hand, Mr. Srikant Kaushik, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that as per material available in case diary, the allegations levelled against present applicant are serious in nature, hence, present applicant is not entitled to be released on anticipatory bail.
5. Mr. Rahim Ubawani, learned counsel appearing for the complainant/objector would submit that as per his instructions, both the parties have entered into compromise and at present, the complainant has no objection if anticipatory bail is granted to present applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration the submissions made by learned counsel for applicant as also Objector that both the parties have settled their dispute by entering into compromise and that complainant is sister-in-law of present applicant, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to present applicant.
8. Accordingly, this anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection

with the crime in question, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Arresting Officer. Applicant shall also abide by the following conditions:

- (i) that he shall make himself available for interrogation before Investigating Officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him/her from disclosing such facts to Court or to any police officer;
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each & every date given to him by said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-