

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 768 of 2021**

Falit Ram Chaturvedi S/o Gopiram, Aged About 22 Years, R/o
Lalakapa Khaiwar, Tahsil and District Mungeli, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station City Kotwali,
Mungeli, District Mungeli, Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Hemant Kesharwani, Advocate

For Non-applicant/State : Ms. Anjali Singh Chouhan, P. L.

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****07.07.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.203 of 2021, registered at Police Station City Kotwali Mungeli, District Mungeli (C.G.), for offence punishable under Section 498-A/34 of the Indian Penal Code.
2. Case of the prosecution in brief, is that complainant/wife of the applicant has lodged a written complaint on 24.03.2021 stating therein that she performed love marriage with the applicant in the year 2018 and thereafter, she resided with the applicant in her matrimonial house at village Lalakapa. They lived happily for one year, thereafter, she delivered a girl child who died after one day. Brother-in-law and sister-in-law of the complainant started

harassing and abusing her on the ground that she killed her child. There was regular dispute between complainant and her brother-in-law and sister in law. They used to say that she has not brought motorcycle, refrigerator, cooler, utensils etc. as dowry. On 13.10.2020, her husband assaulted her and also ousted her. She made a complaint before the Family Counselling Center, Mungeli where the applicant stated before the member/Counselor on 08.03.2021 that he will take back his wife/complainant. Before the Superintendent of Police also, the applicant on 17.03.2021 stated that he is ready to take back the complainant with him, but he did not take back the complainant in his company, which made the complainant to lodge report on 24.03.2021, based upon which, First Information Report was registered on 13.04.2021 against the present applicant for aforementioned offence.

3. Mr. Hemant Kesharwani, learned counsel for the applicant submits that complainant/wife herself left the house of the applicant on trivial issue. Referring to Annexure A/3, which is a proceeding drawn under Section 155 of the Cr.P.C., he submits that initially allegation of assault has been levelled against the applicant on 13.10.2020, but the police did not find any substance to initiate any proceeding under the criminal law and advised her to take recourse of the Court proceedings. He further submits that applicant thereafter filed an application under Section 13 of the Hindu Marriage Act for grant of divorce before the Family Court Mungeli, which was dismissed vide judgment dated 22.10.2019. After dismissal of divorce petition filed by applicant on 18.09.2020,

complainant/wife and applicant mutually agreed for separation and this was recorded as an agreement in presence of two witnesses. The said agreement was executed before the Notary. The complainant/wife was not residing with the applicant since 2019, but false and frivolous complaint has been lodged against him after lapse of about two years. It is contended that the applicant is a Government servant working in the Police Department as Constable, for which, he has filed Identity Card issued by the Police Department and if the applicant is arrested, his entire service career will be ruined.

4. Per contra, Ms. Anjali Singh Chouhan, learned Panel Lawyer representing the State vehemently opposes the bail application and submits that complainant/wife has filed a written report wherein allegation of harassment, ill-treatment and demand of dowry has been levelled against the applicant, brother-in-law and sister-in-law of the complainant. He read over the complaint dated 24.03.2021 and while referring to First Information Report, she submits that the First Information Report was registered on 13.04.2021.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, Annexures A/2 and A/3 i.e. judgment passed by Family Court dated 22.10.2019 and further proceeding drawn by Police under Section 155 Cr.P.C. would show that complainant was not residing in the company of present applicant since 2019, the complaint has been made only on 24.03.2021,

applicant is a Government servant working in the Police Department and there is no livelihood of his absconding, I am inclined to release the present applicant on anticipatory bail.

7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he 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 from disclosing such facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge