

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 671 of 2021

Ankit Gupta S/o Shri Shyam Babu Gupta, Aged About 31 Years, R/o 22 A, Indira Puri Colony, Sethi Nagar, Ujjain, District : Ujjain, Madhya Pradesh.

----Applicant

Versus

State of Chhattisgarh Through Mahila Thana, Raipur, District Raipur Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Anshul Tiwari, Advocate.
For State	:	Ms. Anjali Singh Chauhan, Advocate.
For Objector/Complainant	:	Mr. Maneesh Sharma, Advocate with Shri Pragalbha Sharma, Advocate.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

09/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.43/2021 registered at Police Station – Mahila Thana, Raipur, (CG), for the offence punishable under Section 498(A), 377, 406 read with Section 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant was married to present applicant on 20.04.2019, from inception of marriage, she was subjected to torture by applicant with illegal demand of money. Applicant has also made unnatural sex with complainant and when she intimated the incident of commission of unnatural sex by applicant to his parents, they have also provoked him for the same. At the time of marriage, applicant and his family members have made demand of Car. Father of complainant gave Rs.1 lac for honeymoon trip to applicant. After returning from honeymoon trip, applicant asked complainant that he has expended Rs.1,30,000/- in honeymoon trip, therefore, amount of Rs.30,000/- may also be brought from her parents. Thereafter, applicant and his family members also asked complainant to bring Rs.10 lacs from her parents for the purpose of opening coaching institute for the applicant. Complainant upon continuous harassment and ill-treatment from

her husband, left her matrimonial house on 30.12.2020 and thereafter, FIR was lodged on 05.04.2021 against applicant and his father, mother, and sister.

3. Learned counsel for the applicant submits that it is complainant who does not want to reside with family members of her husband. From initial days of marriage, complainant started ill treating the applicant. On 20.08.2020, applicant himself lodged a complaint to office of the Police Commissioner, Pimpri, Chinchwad requesting for counselling. He further submits that with ill intention to implicate appellant for graver crime, allegation of illegal demand of money has been made against him and all family members. Applicant has enclosed his bank account details as Annexure A-4 from the year 2019 upto till date, in which, no transaction of transfer money between applicant and family member of complaint is there. It is also pointed out that on 12.11.2020 & 21.11.2020, parents of applicant have also lodged a complaint before Police Station, Madhavnagar, Ujjain in respect of the act, conduct and attitude of complainant. Report lodged by complainant against applicant and his family members is an after thought only when she came to know of lodging of complaint before Police Station by applicant and his family members. From wedlock of complainant and applicant, they were blessed with a girl child in the month of June, 2020, who is residing with her mother. In support of his contentions, he also referred mobile chat to show that complainant and applicant have the chat in the very pleasant atmosphere.
4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicant. She read over the written complaint and submits that there are specific allegation against applicant and his family members that from inception of marriage, they made illegal demand of money. Similar statements have been made by father, mother and brother of complainant. Looking to the allegation levelled against applicant, he is not entitled for grant of anticipatory bail.

5. Learned counsel for the complainant/Objector submits that from inception of marriage, complainant was harassed and ill-treated on account of illegal demand of money, which is specifically mentioned in written complaint. He further submits that, submission of learned counsel for the applicant that there is no transaction in the bank account of applicant, will not be there because payment has been made in cash. Applicant and his parents have made demand of Car and thereafter, Rs.10 lac for the purpose of opening coaching institute as mentioned in written complaint. Complaints stated to be lodged by applicant and his parents are an after thought and after lodging of complaint against them. He also referred to whatsapp chat placed on record as Annexure C-1 to argue that applicant has realised his mistake which shows that allegation levelled against complainant is not correct.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation levelled, period of marriage, fact that applicant and complainant were blessed with a girl child now aged about 1 year, conversation between them by whatsapp chat, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
8. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :
 - (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that 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/-

(Parth Prateem Sahu)
Judge

Jamal/-