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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 729 of 2021

- Prakash Kumar Singh, S/o Lal Babu Singh, Aged About 35 Years, R/o Flat No. 5571, Vijaya Garden, Baridih, Police Station Baridih, Jamshedpur, District East Singhbhum, Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Mahila Thana, District Durg Chhattisgarh

---- Respondent

For Applicant	:	Shri Sidharth Shukla, Advocate
For Respondent/State	:	Ms Anjali Singh Chouhan, Panel Lawyer
For Objector	:	Shri Aditya Khare, Advocate

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

03.08.2021

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. 28 of 2021 registered at Police Station Mahila Thana, District-Durg, Chhattisgarh for commission of offense punishable under Section 498A, 34 of IPC and Section 4 of Dowry Prohibition Act, 1961.

2. Case of the prosecution, in brief, is that, applicant and complainant got married on 19.02.2019. Complainant resided in her matrimonial home till 07.03.2019. Thereafter, applicant went to his workplace at Jamshedpur and complainant to her workplace at Bhilai. On 04.01.2021, a written complaint was lodged by the complainant mentioning therein that prior to fixation of marriage, present applicant and her father-in-law, mother-in-law and two brothers-in-law (for short, 'in-laws') started demanding money for various

purposes, upon which father of complainant transferred Rs.10 lakhs to applicant's father, Rs.5 lakhs to applicant and Rs.5 lakhs to his mother. After marriage also, they demanded Rs.10 lakhs for reception. After marriage, complainant was ill-treated, and her '*Streedhan*' like ornaments, etc., were taken from her. When complainant went to meet the applicant in Jamshedpur in the month of December, 2020, at that time, applicant caught hold of her neck and pushed her out of his house. Thereafter, written complaint was lodged on 04.01.2021 against present applicant and in-laws.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Sidharth Shukla, counsel for the applicant submits that applicant is working as Senior Manager, Tata Steel, Jamshedpur, whereas, complainant is working as Assistant Manager, Bhilai Steel Plant, Bhilai. He further submits that allegation of demand of money at the time of Tilak and Ring ceremony are absolutely false and baseless. For arranging these functions, father of complainant has transferred amount to applicant from his own bank account, in discharge of their liability as they have to arrange these functions. He further submits that complainant resided in company of applicant only for few days, ie from 20.02.2019 till 07.03.2019 and thereafter, complainant as well as applicant went to their place of work to discharge their job obligations. Immediately after marriage, complainant started sending abusive messages to applicant on his mobile phone, also making allegations that they demanded money for the purpose of marriage and still demanding

money. Applicant, annoyed with the messages sent by the complainant, her act and behaviour, immediately transferred an amount of Rs. 4.5 lakhs on 18.04.2019 and thereafter, Rs.5.5 lakhs on 26.04.2019 to complainant's father account. He further submits that transfer of amount of Rs.10 lakhs by applicant from his account due to abusive messages sent by the complainant shows that applicant or his family members ever demanded any dowry from complainant or her parents. He further submits that looking to continuous abuse by complainant on her mobile phone as placed on record as Annexure A2, applicant started avoiding complainant. She in the month of September, 2019 transferred amount of Rs.6 lakhs to account of applicant on her own without his knowledge. Applicant after getting knowledge of same, immediately re-transferred said amount in account of complainant as he or his parents were not interested in her money, because applicant is well settled. He further submits that, looking to action and attitude of complainant, applicant filed an application under Section 13 (1)(a) of Hindu Marriage Act, 1955 for grant of divorce before the Family Court in the month of January, 2021, in Jamshedpur. Family Court registered the divorce petition and issued summons to complainant. After receipt of summons, complainant applied for transfer of divorce petition and obtained stay from Hon'ble Supreme Court. Thereafter, as a counter blast, complainant has lodged written complaint against the applicant and his family members, making allegations of demand of dowry and ill treatment. He submits that complainant neither resided with applicant nor his family members, except for few days of her marriage, she is residing at her workplace at Bhilai. Hence, allegation with regard to ill-treatment and harassment is false and baseless. It is also pointed out that allegation of holding neck of complainant in the month of December, and pushing her from his house is a concocted story, only to implicate applicant in false case, as the said report is after filing of divorce petition by applicant. He submits that looking to nature of allegations, other family members, father-in-law, mother-in-law and two brothers-in-law have been extended benefit of anticipatory bail by the Court below. He submits that looking to period of marriage, time spent together, mobile chats of complainant, applicant may be enlarged on anticipatory bail.

5. On the other hand, Ms Anjali Singh Chouhan, learned counsel for the State opposing the submissions of learned counsel for the applicant read over contents of written complaint lodged by complainant and statement of one Rana Dhirendra Kumar Singh and argued that there is specific allegation against applicant and his family members with regard to payment of huge amount of money prior to marriage ceremony ie Tilak and Ring ceremony and even after marriage, for the purpose of reception. She submits that complainant levelled specific allegation against applicant that when she visited his house in the month of December, 2020, applicant had tried to caught hold of her neck and pushed her out of his house and also abused her. She submits that there are specific allegations showing involvement of applicant in commission of offenses under Sections 498A and 34 of IPC, 3 and 4 of Dowry Prohibition Act, hence he is not entitled for bail.

6. Shri Aditya Khare, learned counsel for the objector would submit that applicant and his family members were demanding money after

fixing of the marriage. They demand huge amount of Rs.27 lakhs for dowry. Money was deposited in bank account of father-in-law, mother-in-law and applicant. He further submits that after receipt of notice of divorce petition in the month of December, 2020, complainant filed petition for its transfer before Supreme Court and the proceedings before Family Court, Jamshedpur are stayed. He further pointed out that when the complainant went to applicant's house in the month of December, 2020 at Jamshedpur, applicant assaulted, abused and ill-treated her, based upon which she filed a complaint. He further argued that applicant did not appear before Mahila Thana, Bhilai for family conciliation proceedings even after service of notice. Upon asking, he submits that money was demanded for Tilak and Ring ceremony etc.

7. Shri Sidharth Shukla, learned counsel for the applicant submits that applicant received notice for conciliation proceeding but due to restrictions of travel due to Carona pandemic, he could not appear.

8. I have heard learned counsel for the parties.

9. So far as allegation of demand of huge amount as dowry from initial days of fixation of marriage is concerned, applicant has filed documents showing deposit of money in account of Soumya Singh, and Vinod Singh, father of complainant on 18.04.2019, and 26.04.2019 of Rs.4.5 lakhs and Rs.5.5 lakhs respectively. Further, mobile chats filed along with application were not controverted by learned counsel for the State and Objector. Applicant has further placed on record return deposit of Rs.6 lakhs which has been deposited by complainant on 02.09.2019.

Complainant resided with applicant from 20.02.2019 till 07.03.2019, and thereafter, applicant and complainant resided at their place of work at Jamshedpur and Bhilai respectively.

10. Taking into consideration nature of allegations levelled against the applicant, period of marriage, period of their staying together, the applicant has returned Rs.10 lakhs in April 2019 and Rs.6 lakhs in bank account of complainant in the month of September, 2019, in same month of deposit by complainant, also considering the fact that applicant is working as Senior Manager, Tata Steel, Jamshedpur, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

11. Accordingly, the 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/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;

b) 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;

c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

d) 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma