

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 716 of 2021

- Anil Sahu, Son Of Premlal Sahu, Aged About 34 Years Resident Of Nahriya Baba Road Janjgir, District Janjgir Champa (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Janjgir, District - Janjgir Champa (Chhattisgarh)

---- Respondent

For Applicant	: Shri Vikas Pandey, Advocate
For Respondent/State	: Shri Sudhir Sahu, Panel Lawyer

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

29.07.2021

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. 321 of 2020 registered at Police Station Janjgir, District-Janjgir-Champa Chhattisgarh for commission of offense punishable under Section 498A r/w 34 of IPC
2. Case of the prosecution, in brief, is that, complainant was married to applicant on 25.01.2019. After marriage, she went to her matrimonial house at Janjgir-Champa. Thereafter, applicant and complainant went to Alirajpur near Indore, where applicant is working with L&T (Larsen &Toubro) Company as Assistant Manager. On 16.06.2019, complainant came back to her parents' house from Alirajpur along with her father. Complainant lodged written complaint before Police Station Civil Lines, Bilaspur on 11.12.2019 making allegations that applicant started demanding dowry, assaulting her, and he ousted her from the house at Alirajpur, Indore. On 08.09.2019, present applicant along with her father-in-law, mother-in-law and two sisters-in-law,

came to her house at Bilaspur, started abusing, and were also aggressive to assault her. They threatened her parents also. Written complaint was forwarded to Mahila Thana, Bilaspur for counseling. After counseling, when there was no settlement between the parties, FIR was registered on 10.07.2020, bearing Crime No.321 of 2020 for offense defined under Section 498A and 34 IPC against the applicant herein (husband), Premlal Sahu (father-in-law), Sailsahu (mother-in-law), Chandra Prabha Sahu and Jyoti Sahu (sisters-in-law). Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

3. Shri Vikas Pandey, learned counsel for the applicant submits that complainant herself does not want to reside with applicant and not interested to continue relationship with him. After marriage, complainant and applicant resided at place of work of applicant at Alirajpur, Indore. She herself started dispute on trivial issues, she wanted to pursue her further studies and therefore, within a short period of her married life at Alirajpur, Indore she returned back to her parents' house at Bilaspur on 16.06.2019 and since then, she is residing with her parents. He further argued that complainant did not suffer mis-carriage but due to some medical complications, baby died in the Womb itself. He submits that in conciliation proceedings also, applicant has made statement that he is still ready to continue relationship but complainant stated that she does not want to live with the applicant and expressed her view for taking action against applicant and his family members. Applicant is an employee of L&T Company and posted as Assistant Manager at Indore. If the applicant is arrested, then, his entire career will be ruined. He further

submits that other family members ie father, mother and sisters have been granted benefit under Section 438 of CrPC, hence, applicant may also be enlarged on anticipatory bail under Section 438 of CrPC.

4. On the other hand, Shri Sudhir Sahu, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that there is specific allegation by complainant-wife regarding demand of dowry and also making an attempt of assault (*maarpeet*) by applicant and his family members. He also pointed out that complainant in her statement recorded under Section 161 of CrPC stated that after marriage applicant and complainant went for their honeymoon trip at Andaman Nicobar Islands, at that time also, he tried to push her from hills. Applicant came to Bilaspur and asked her to sign some documents and there is allegation of demand of Rs.5 lakhs within a month of marriage, hence, applicant is not entitled for benefit under Section 438 of CrPC.

5. I have heard learned counsel for the parties and also perused case diary.

6. In written complaint filed by the complainant on 11.12.2019, there is allegation for demand of Rs.5 lakhs for purchase of vehicle and if not, then she has to go back to her parents' house. On 16.06.2019, she was ousted from house at Alirajpur, Indore, where her husband is working. Statement of applicant is recorded by the Assistant Sub-Inspector of Police, Mahila Thana, Bilaspur during conciliation proceedings, wherein he had narrated the sequence of events from the date of marriage till the date of recording his statement. He stated that complainant expressed her view that she wants divorce. From perusal of statement during

conciliation proceedings it appears that after marriage also, complainant was pursuing her studies of M Tech and for appearing in examination, she came to Bilaspur from Indore in the month of April, 2019. Applicant raised his hand to assault complainant in front of her father at Alirajpur, Indore and therefore, her father brought her to Bilaspur on 16.06.2020. In the proceedings, it is also recorded that person doing conciliation put question whether complainant wants to go with her husband, to which she expressed her view that she does not want to go with her husband and also stated that she does not want any further conciliation proceedings, but to take action against applicant and her in-laws. I have also perused copy of statement of complainant recorded under Section 161 CrPC.

7. Taking into consideration nature of allegations levelled against the applicant, period of marriage, material available in case diary, period of time spent by complainant and applicant, from January to June, 2019, fact that applicant is working as Assistant Manager in L&T Company as Assistant Manager, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

8. 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