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**HIGH COURT of CHHATTISGARH, BILASPUR****MCRCA No. 884 of 2021**

- Rohit Kumar Pamnani about 30 years S/o Shri Basant Kumar Pamnani R/o Bajarimal Deewan Takiya, Lalbagh, Kathalbai Darbhanga, Post Office L.N.M. University Darbhanga, Distt. Darbhanga (Bihar)

At present R/o Flat No.4-D Fourth Floor BPCL Town Ship Marine Drive Kochi (Kerala)

-----Applicant

**VERSUS**

- State of Chhattisgarh through: Police Station Mahila Thana, District Raipur, Chhattisgarh

-----Non-applicant

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| For Applicant            | : Mr. Abhijit Sarkar, Adv. |
| For Non-applicant- State | : Mr.Roshan Dubey, P.L.    |

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*(proceedings through video conferencing)*

**Hon'ble Shri Parth Prateem Sahu, Judge**

**ORDER****17/08/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 44/2021 registered at Police Station Mahila Thana, Raipur (C.G.) for offence punishable under Section 498A, 34 of IPC.
2. As per the case of prosecution, complainant got married with present applicant on 10.02.2019 at Kanpur. After their marriage they went for honeymoon trip. After returning from trip on 22.02.2019, complainant started living along with applicant at her native place-Darbhangha, Bihar. Immediately after marriage applicant and in-laws of complainant started demanding Rs. 20 Lakh cash and 250 gms of gold. Applicant and in-laws of complainant continuously ill-treated

and harassed her for want of dowry and they have also made demand of car along with aforementioned articles and cash. Complainant came back to her parents house at Raipur on 12.12.2020. Thereafter, a written complaint was lodged on 06.04.2021, based on which, instant crime against the present applicant and his parents is registered for the aforementioned offence.

3. Mr. Abhijit Sarkar, learned counsel for the applicant would submit that the complainant resided in the company of her husband (applicant) for a short period of time. After marriage they both went to honeymoon trip and after returning, they resided together at Darbhanga from 23.02.2019 to 03.03.2019. Applicant got employment with Bharat Petroleum Corporation Limited, Kochi (Kerala), on 05.02.2020 he went for training at Mumbai. Applicant took the complainant along with him at his place of posting at Kochi on 20.03.2019 where they lived together till 10.12.2020. At the request of complainant, she went to her sister's house at Surat and thereafter she returned back to Raipur on 12.12.2020. Immediately after returning back to Raipur, complainant filed report before Mahila Thana, Police Station Raipur on 24.12.2020 raising false and frivolous allegation of demand of dowry and harassment. Complaint was forwarded to family consultation centre where the reconciliation proceedings were taken place. After recording the statement by consultation centre, complaint was closed as the complainant herself stated that she was carrying pregnancy of about 08 months and she wanted to live with her parents house till giving birth of her child and further made demand of Rs. 10,000/- per month from applicant. She also stated that after giving birth to child at Raipur, she will live with her husband and wanted to reside with him. He submits that after the

proceedings dated 15.01.2021 complainant resided with her parents at Raipur. Applicant wants to continue the marital relation. Applicant is still working with the Bharat Petroleum Corporation Limited, hence, applicant may be enlarged on anticipatory bail.

4. On the other hand, Mr. Roshan Dubey, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that in the complaint and F.I.R. there are specific allegation of ill-treatment and harassment on the ground of demand of dowry ie. Rs. 20 Lakh cash, a car and 250 gms of gold, hence, applicant is not entitled for benefit of Section 438 of CrPC.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation, period of marriage, both of them were blessed with a male child in the year 2021 itself, proceedings dated 15.01.2021 where the complainant herself stated before the authority during counselling that she wanted to live with her husband (applicant), without commenting anything on merits of the case, I am inclined to allow the bail application.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (44/2021), he shall be released on anticipatory bail by the Officer arresting him on their executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:
  - (i) that the applicant shall make himself available for interrogation before the Investigation Officer as and when required;
  - (ii) 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;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) 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.

Sd/-  
**(Parth Prateem Sahu)**  
Judge

Pawan