

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.891 of 2021

- Deependra Soni, S/o Shri Gokul Prasad Soni, aged about 30 years, Occupation Electricals, Caste-Sonar, R/o Namnakala, PS & Tahsil Ambikapur, District Surguja (CG)

---- Applicant

Versus

- State of Chhattisgarh, through SHO, Police Station Mahila Thana, Ambikapur, District Surguja (CG)

---- Non-applicant

For Applicants	:	Mr. Ashok Kumar Shukla, Advocate
For Non-applicant	:	Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

4/8/2021

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.29/2021 registered at Mahila Thana, Ambikapur, District Surguja for commission of offence punishable under Sections 313, 498A, 34 of IPC.
2. The prosecution story, in brief, is that complainant Priya Soni was married to present applicant on 29.11.2020. Immediately after marriage, the complainant was harassed and ill-treated by present applicant and his family members for demand of dowry. On 9.4.2020 complainant Priya Soni lodged written complaint in the police station concerned mentioning therein that present applicant and her in-laws were harassing her for demand of dowry, they are demanding Rs.2,50,000/- for opening of CCTV camera shop for present applicant. It is further alleged that when the complainant had conceived pregnancy, present applicant took her for Sonography test and after confirmation of pregnancy, he took her to village Chhalgali where he administered some medicine to her which resulted into miscarriage of her pregnancy. It is also alleged that after marriage, the complainant was kept in village Chalgali in the house of unknown lady only to harass the complainant. After miscarriage, complainant became unwell

and thereafter she was taken by her parents to their house to provide her better treatment. Based on the written complaint, instant crime is registered against present applicants and husband of complainant.

3. Mr. Ashok Kumar Shukla, learned counsel for applicant would submit that allegation with regard to demand of dowry is omnibus, no specific instance has been mentioned in the complaint. He further submits that complainant from initial days of marriage does not want to reside in joint family, she was continuously pressurizing present applicant to live separately, therefore, present applicant left his parental home and went to village Chhargali, which is near to Ambikapur. Firstly, they resided in the house of applicant's sister for some time and thereafter in a rented accommodation till the complainant left company of present applicant. He further submits that complainant resided in the company of present applicant only for a period of about five months. He further submits that allegation of administration of medicine one month prior to termination of pregnancy is false. Pregnancy of complainant got terminated in her parental home after about one month of Sonography test. He submits that looking to nature of allegations, period of marriage and period of stay of complainant with present applicant, he may be enlarged on anticipatory bail.
4. Mr. B.P. Banjare, learned Deputy Government Advocate representing the State opposes the submissions made by learned counsel for the applicant and submits that there is specific allegation with regard to ill treatment and harassment. Immediately after marriage, the complainant was sent to village Chhargali and kept in a house of unknown woman for a considerable period. He read over the contents of FIR as also statement of Rajesh Soni, uncle of complainant, and Neelam Soni, aunt of complainant, to submit that the complainant informed them that after coming to know about her pregnancy, present applicant stated to her that the child in her womb is

not from their wedlock.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against present applicant, contents of complaint lodged by present applicant before the concerned police station mentioning that complainant wanted to live separately from her in-laws; the fact that there is no mention of allegation in written complaint or FIR as made by uncle and aunt of complainant in their statements recorded under Section 161 of CrPC; period of marriage and period of stay of complainant with present applicant, without commenting anything on the merits of case, I am of the view that present is a fit case where applicant should be granted anticipatory bail.
7. 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/- with one surety in the like sum to the satisfaction of the Arresting Officer. The applicant shall also abide by the following conditions :
 - (i) that he shall make himself available for interrogation before the Investigating Officer as and when required;
 - (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him/her from disclosing such facts to Court or to any police officer;
 - (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that he 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

roshan/-