

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 939 of 2021**

Anurag Tiwari S/o Late Dinesh Kumar Tiwari Aged About 31 Years R/o Village - Nariyara, Negipara, Thana - Mulmula, Tehsil Akaltara, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through The Police Station Mahila Thana Bilaspur, District Bilaspur Chhattisgarh.

---- Non-applicant

 For Applicant : Shri Rakesh Pandey, Advocate
 For Non-applicant/State : Shri B.P. Banjare, Dy. G.A.

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

13.08.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.47 of 2021, registered at Police Station Mahila Thana, Bilaspur, District Bilaspur, Chhattisgarh for offence punishable under Section 498-A of Indian Penal Code.
2. Case of the prosecution in brief, is that, complainant got married with applicant on 02.06.2017, after some time of marriage, applicant started harassing and ill-treating her, demanding Rs.50,000/- cash and one motorcycle. Complaint was also being assaulted by him occasionally. She was asked to do entire household work of matrimonial house. She left her matrimonial house on 12.12.2020 and residing at Bilaspur in her parental

house. On 05.07.2021, an application was filed before the Mahila Thana, Bilaspur, upon which, parties were called for counseling before the Family Conciliation Centre. When counseling did not yield any positive result, First Information Report was registered on 20.07.2021.

3. Shri Rakesh Pandey, learned counsel for the applicant would submit that grievance of complainant is of doing entire household work in her matrimonial house, allegation of ill-treatment harassment on the ground of dowry is absolutely false and baseless. He further submits that from the contents of First Information Report, it is apparent that grievance is mainly against asking her to do entire household work alone. It is contended that apart from complainant, applicant is having his old-age mother and one child from the wedlock. Before the Conciliation Centre, applicant has shown his will to maintain his wife and continue marital relation, but it is the complainant who stated that she want action against the applicant. It is further contended that looking to the period of marriage and child aged about 3 years who is presently residing with the mother, applicant may be enlarged on anticipatory bail.
4. Per contra, Shri B.P. Banjare, learned Dy. G.A. representing the State opposing the submissions made by learned counsel for the applicant, submits that in the complaint, there is specific allegation of ill-treatment, harassment and also assault on the ground of demand of dowry. There is further allegation that applicant visited thrice during her stay after December 2020 at her parental house

and there also he had made demand of dowry from her brother and uncle, hence, he is not entitled for grant of anticipatory bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, dispute raised by the complainant, period of marriage, age of child from the wedlock of applicant and complainant and intention of applicant shown of keeping complainant with him and to continue marital relationship before Family Conciliation Centre, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-
 - (i) he shall make himself available for interrogation by a police officer as and when required;
 - (ii) he 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 from disclosing such facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh