

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.946 of 2021

- Brijesh Loniya, S/o Ramkumar Loniya, age 31 years, R/o Ward No.5, Village Tifra, Bilaspur, Thana Sirgitti, District Bilaspur (CG)

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, Mahila Thana Bilaspur District Bilaspur (CG)

---- Non-applicant

For Applicant : Mr. N.K. Malviya, Advocate

For Non-applicant : Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

24/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.42/2021 registered at Police Station Mahila Thana, Bilaspur (CG) for commission of offence punishable under Section 498-A r/w 34 of IPC.
2. Case of the prosecution, in brief, is that complainant was married to applicant on 19.5.2020. After marriage, the applicant started ill-treating and harassing the complainant for demand of dowry. Further allegation is that applicant used to keep the complainant nude in night and he used to tell his friend that complainant is not allowing him to establish physical relation with her. On 30.5.2021 the complainant was ousted from her matrimonial home, therefore, she came back to her parental home. Based on written complaint lodged by complainant, FIR is registered against applicant.
3. Mr. N.K. Malviya, learned counsel for the applicant would submit that after marriage, the complainant resided in the company of applicant for a short time. Allegations levelled

against applicant are absolutely false and baseless. Infact, it is the complainant who does not want to reside in the company of applicant. Looking to behaviour of complainant, a meeting of Community was also called on 22.5.2021 in which complainant has admitted that applicant is innocent. Referring to proceedings of the Family Conciliation Centre, Mahila Thana, Bilaspur, he submits that on the application of applicant, counselling proceedings were held but the complainant refused to join company of applicant. It is also recorded in the conciliation proceeding that mother of complainant is also not interested in sending the complainant to her matrimonial home. Applicant is appointed as Senior Treatment Supervisor on contract basis, if he is arrested by the police, he may loose his job and marital relationship between the parties would also be affected. He further submits that applicant has not misused liberty of ad-interim anticipatory bail granted by this Court vide order dated 10.8.2021. Hence, he prays to make ad-interim anticipatory bail absolute.

4. Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the submissions made by learned counsel for the applicant. He read over the contents of FIR in support of his submission.
5. I have heard learned counsel for parties.
6. Taking into consideration the nature of allegations levelled against applicant; period of marriage; proceedings drawn before the Family Mediation Centre, Mahila Thana, Bilaspur and the mobile chats placed on record along with bail application, without commenting anything on merits, I am inclined to grant anticipatory bail to applicant.
7. Accordingly, this anticipatory bail application is allowed and the order dated 10.8.2021 granting ad-interim bail to the applicant is made absolute.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-