

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 937 of 2021

Chandramohan Kurre S/o Shri Kashiram Kurre, Aged About 30 Years,
 R/o - Ward No.10, Gadpara Kotmi Sonar, Police Station - Akaltara,
 District - (Revenue and Civil) - Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through - Police Station - Mahila Thana Bilaspur -
 District - (Revenue and Civil) – Bilaspur, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Sumit Jhavar, Advocate.
For State	:	Mr. Vimlesh Bajpai, GA.
For Complainant/Objector	:	Mr. B.L. Sahu, Advocate.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

13/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.38/2021 registered at Police Station – Mahila Thana, Bilaspur, District –(Revenue and Civil), Bilaspur, (CG), for commission of offence punishable under Sections 498-A, 34, 294, 323, 506 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 07.05.2017 complainant got married with applicant. From inception of marriage, complainant was harassed and ill-treated on account of demand of dowry of Rs.10 lacs and a Car. She was also assaulted by her husband ie applicant. When complainant was residing at her matrimonial house, on 11.03.2020 applicant himself called her and her father near Bihari Talkies where during the course of discussion, applicant again assaulted her. From wedlock of complainant and applicant, they were blessed with girl child aged about 3 years and boy child aged about 9 months. Boy child was suffering with heard deceased but applicant is not taking proper care of

child nor providing proper treatment to him. Based upon complaint, instant crime is registered against applicant.

3. Learned counsel for the applicant submits that allegation of demand of Rs.10 lacs and a Car is absolutely false and baseless. It is complainant, who could not able to adjust herself in her matrimonial house due to which dispute took place on trivial issues between complainant and her in-laws. The relationship between applicant and complainant was cordial till the year 2020 but when mother of applicant became ill and applicant has expended money towards her treatment was objected by complainant stating that as to why he is only incurring expenses towards treatment of his mother and not other brothers. On aggravation of dispute, complainant called her relatives who abused and assaulted applicant. Incident was reported to concerned Police Station on 14.03.2020. Thereafter, relatives of complainant again came to house of applicant in village -Kotmi Sonar where applicant was not present but his mother and sister were present to whom they have abused and manhandled. Daughter of applicant was also forcefully taken from village -Kotmi Sonar. Incident was reported on 07.09.2020 to SHO of PS -Akaltara District -Janjgir Champa. It is complainant herself, who does not want to reside with in-laws. Applicant is a Government servant working as Constable and still ready to discharge the liability of matrimonial relationship and keep his wife alongwith him. Father of complainant is working as Head Constable. Hence, applicant may be granted benefit under Section 438 of Cr.P.C.
4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicant and submits that in written complaint serious allegation of ill-treatment, harassment, demand of

Rs.10 lac, a Car and assault have been leveled against applicant. Hence, he is not entitled for grant of anticipatory bail.

5. Learned counsel for the Complainant/Objector opposes the bail application. He submits that immediately after marriage, complainant was being harassed, ill-treated on account of demand of Rs.10 lac and a Car. Parents of complainant have given household articles and other gift/items at the time of marriage according to their status. When complainant was residing at her parents house, on 11.03.2020 applicant called her and her father near Bihari Talkies where during the course of discussion, applicant again assaulted her. If applicant be released on anticipatory bail he will again terrify her and her father. However, he admits that girl child is with father and boy child is residing with mother. Further does not dispute filing of application under Section 97 and 98 of Cr.P.C by applicant.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation, period of marriage, the fact that complainant and applicant are blessed with two children, undisputed fact that applicant has filed an application under Section 97 & 98 of Cr.P.C before SDO, Kasdol for taking custody of his wife ie complainant, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
8. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the

like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :

- (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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

Jamal/-