

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 925 of 2021**

- Yashwant Dadsena S/o Veersingh Dadsena, aged about 50 years, R/o Sector-3, Professor Colony, Raipur, Chhattisgarh

-----Applicant**VERSUS**

- State of Chhattisgarh through: Station House Officer, Police Station Pithaura, District Mahasamund, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. T.K. Jha, Adv.
For Non-applicant- State	: Mr. Shrikant Kaushik, P.L.

*(proceedings through video conferencing)***Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****11/08/2021**

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. 182/2021 registered at Police Station Pithaura District- Raipur (C.G.) for the offence punishable under Sections 498A, 313, 354/34 of IPC.
2. As per the case of prosecution, complainant married with Chandrahas Dadsena in the year 2012 and resided in the company with her husband from the date of marriage up till year 2014. In the year 2014, there was separation between complainant and her husband in the Community meeting. Thereafter, she again returned back to the house of her husband in the year 2018 and when she came back from her parental house to her matrimonial house, after celebrating Teeja festival, her brother-in-law Gopikant Dadsena abused her making allegation on her character. In the same night, present applicant came and he also

abused her and made allegation on her character. Thereafter, a written complaint was lodged on 24.07.2021 to the concerned police station, making allegation against her in-laws including the present applicant, based on which, instant crime was registered against five accused persons including her husband, father-in-law, mother-in-law, brother-in-law and two uncles-in-law.

3. Mr. T.K. Jha, learned counsel for the applicant would submit that after the marriage relationship between complainant and her husband was not going good and therefore in the community meeting conducted in the year 2014, the complainant separated with her husband Chandrahas Dadsena and started living in her parents house. In the year 2018, on account of some mediation, she again came to house of her husband and started living with him. The allegation against the present applicant is that the applicant in the year 2019 came to the house of complainant in the evening, abused her and also made allegation on her character. He submits that except the allegation of abusing her on one day, there is no other allegation by the complainant against present applicant. He further submits that even the allegation is of the year 2019, as per the contents of complaint lodged by complainant herself, whereas the F.I.R. was registered on 24.07.2021 based on the written complaint dated 24.07.2021, hence, applicant may be enlarged on anticipatory bail.
4. On the other hand, Mr. Shrikant Kaushik, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that the detailed written complaint has been lodged against all her in-laws making serious allegation against them. However, upon putting specific query to the learned State counsel with regard to specific allegation against present applicant, he submits that in the written complaint, F.I.R. as well as the statement of complainant, the allegation

against the present applicant is that he came to the house of complainant, abused her making allegation on her character in the year 2019, apart from it, there is no other allegation made against him.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation levelled against the present applicant with regard to abusing, alleging upon her character in the year 2019 whereas F.I.R. was lodged on 24.07.2021, without commenting anything on merits of the case, I am inclined to allow this 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 (182/2021), 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 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