

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1061 of 2021**

- Mahendra Dadsena S/o Laxman Dadsena Aged About 48 Years R/o - Atharahgudi, Pithora, District- Mahasamund, Chhattisgarh ---- **Applicant**

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Pithora, District- Mahasamund, Chhattisgarh ---- **Respondent**

For Applicant	: Shri Raghavendra Pradhan, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**06.09.2021**

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. 182 of 2021 registered at Police Station Pithora, District Mahasamund, Chhattisgarh for commission of offenses punishable under Sections 498A, 313, 354, 377 and 34 of IPC.
2. Case of the prosecution, in brief, is that, complainant married with co-accused Chandrahas Dadsena, brother of present applicant in the year 2012. After marriage, she resided in her matrimonial house along with her husband from the date of her marriage till 2014. In 2014, complainant and her husband got separated in a meeting before Community. Thereafter, complainant came back to her matrimonial house and started residing in company of her husband in the year 2018. When, after celebration of Teeja festival, complainant came back to her matrimonial house, family members abused her making allegation on her character. There was allegation that during her stay in her matrimonial house, her husband made unnatural sex with her due to which she became ill and admitted to RIMS Hospital, Raipur, where she took treatment for 4-5 days. Against applicant there is allegation that he used to come to her room and attempted to

outrage her modesty. Based on written complaint, FIR was registered against her husband and other family members.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Raghavendra Pradhan, learned counsel for the applicant would submit that father-in-law and mother-in-law of complainant have been enlarged on bail by the Court below and other co-accused have also been enlarged on bail by this Court vide order dated 11.08.2021 and 24.08.2021 in MCRCA-925 of 2021 and MCRCA-993 and 994 of 2021 respectively. He submits that allegations against applicant are omnibus and false allegations. He also points out that after lodging of complaint by complainant, counseling proceedings were initiated before the Mahila Police Thana, Mahasamund, which is filed as Annexure A6, in which brother of complainant stated that complainant was having some relationship with one Yogendra Sahu and that is the reason for complainant for not residing in her matrimonial house.

5. On the other hand, Shri Vaibhav Singh, learned counsel for the State opposing the submissions of learned counsel for the applicants, submits that allegations levelled against applicant are serious in nature hence, he is not entitled for benefit under Section 438 of CrPC. He submits that allegation against applicant is that he attempted to outrage modesty of complainant at her residence.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of the case, nature of allegations alleged on applicant, period of marriage, that complainant period from which complainant resided separately from her husband and in-laws ie

from the year 2014 to 2018, the submission of brother of complainant recorded by Mahila Thana during counseling proceedings, after registration of complaint, other co-accused have been enlarged on bail, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with 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/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE