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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 993 of 2021**

Gopikant Dadsena S/o Ramjee Dadsena, Aged About 39 Years, R/o Tikarapara, Rajasevaiyakhurd, Pithora, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh.

---- Non-applicant

MCRCA No. 994 of 2021

Chandrabhas Dadsena S/o Ramjee Dadsena, Aged About 37 Years, R/o Atharahgudi, Pithora, District Mahasamund Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Pithora, District Mahasamund Chhattisgarh.

---- Non-applicant

 For Applicants : Shri Raghvendra Pradhan, Advocate
 For Non-applicant/State : Shri B.L. Sahu, P.L.

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

Order on Board**24.08.2021**

1. Since both the applications arising out of same crime number, they are being heard and decided by the common order.
2. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.182 of 2021, registered at Police Station Pithora, District Mahasamund

(C.G.), for offence punishable under Sections 498-A, 313, 354 R/w. Section 34 of Indian Penal Code.

3. Case of the prosecution in brief, is that, complainant married with the applicant Chandrahas Dadsena on 13.06.2012. Applicant Gopikant Dadsena is brother-in-law of complainant. After her marriage, she resided in the company of her husband in matrimonial home along with her in-laws. Applicant/husband and her in-laws pressurized her to get her pregnancy aborted and also administered some medicines. The complainant from her marital tie, was blessed with a girl child. Since the year 2014, she started residing separately in her parents house up to September 2018. On 02.10.2018 on account of mediation, her husband and her in-laws came to her parents house and asked her to reside in the company of Chandrahas Dadsena, upon which, she agreed and came back to her matrimonial home. During her stay at her matrimonial home in the year 2018, applicant Chandrahas Dadsena has made unnatural sex with her, due to which, she became ill and she was taken to RIMS Hospital, Raipur where she took treatment for about 4-5 days and thereafter, she along with her husband and mother came to her parents house. Applicant Chandrahas Dadsena stating her that he will return back in few days, left her in her parents house and went away. He did not return for about one year. On 06.06.2019, community meeting was held where in the meeting, it was decided that complainant will reside in the company of applicant for a period of six months, to which, applicant Chandrahas Dadsena refused and left the

place of meeting. Thereafter, report was lodged on 24.07.2021 and First Information Report was registered based on the report lodged against the present applicants and other co-accused persons.

4. Shri Raghvendra Pradhan, learned counsel for the applicants would submit that allegations levelled against the present applicants are absolutely false and baseless. It is the complainant who herself do not want to reside in the company of applicant Chandrahas Dadsena, she left her matrimonial home in the year 2014 and resided separately for about 4 years. She again return back in the month October 2018 to her matrimonial home and resided only for few days in the company of applicant Chandrahas Dadsena. When she became ill, she directly return back to her parents house from the hospital and thereafter did not return back. After lodging of the complaint, counseling was held before the Authorities wherein brother of complainant has admitted that complainant was having some relationship with one Yogendra Sahu, hence, she does not want to reside in the company of applicant Chandrahas Dadsena (husband). Counseling proceeding before Mahila Thana is filed as Annexure A/6. He further submits that from the statement made by brother of complainant before the Counseling Authority, the reason why complainant does not want to reside in the company of applicant is apparent. It is contended that co-accused Yashwant Dadsena has been enlarged on anticipatory bail in MCRCA No.925 of 2021

vide order dated 11.08.2021, hence, present applicants may also be enlarged on anticipatory bail.

5. Per contra, Shri B.L. Sahu, P.L. representing the State opposing the submissions made by learned counsel for the applicants, would submit that serious allegations have been levelled against the present applicants. He further submits that there is allegation of demand of dowry, ill-treatment, harassment and also committing unnatural sex by the applicant with the complainant. However, he does not dispute that the statement made by learned counsel for the applicants that complainant since 2014 to 02.10.2018 resided separately from the husband in her parents house and returned back in the year 2018 itself.
6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations, date of marriage and the period when complainant resided separately from the applicant Chandrahas Dadsena from the year 2014 to 02.10.2018, after 2018, she resided only for some time in the company of applicant Chandrahas Dadsena and again returned back to her parents house, complaint was lodged only on 15.01.2021, proceeding of counseling before Mahila Thana, without commenting anything into the merits of the case, I am inclined to release the present applicants, namely, Gopikant Dadsena and Chandrahas Dadsena, on anticipatory bail.
8. Accordingly, bail applications (MCRCA 993 of 2021 and 994 of 2021) are allowed and it is directed that in the event of arrest of

the applicants in connection with the aforesaid offence, they shall be released on anticipatory bail on their furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the arresting officer and they shall be abide by the following conditions :-

(i) they shall make themselves available for interrogation by a police officer as and when required;

(ii) they 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 them from disclosing such facts to the Court or to any police officer.

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

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge