

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 995 of 2021**

- Anil Kumar Mandale, S/o Shri Ghasiyaram, aged about 34 years, R/o Ward no. 06, Near Sahu Sadan, Jangalpara Nagri Dhamtari Distt. Dhamtari, Chhattisgarh

Presently R/o House No. 25/82 Gali No. 2, Gokulpur Nagar Mathpuraina, P.S. Tikrapara, Distt. Raipur Chhattisgarh

-----Applicant

VERSUS

- State of Chhattisgarh through: police station Nagari, District Dhamtari, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Pragalbh Sharma, Advocate.
For Non-applicant- State	: Mr. Shrikant Kaushik, P.L.

(proceedings through video conferencing)

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER**02/09/2021**

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.90/2021 registered at Police Station Nagari, District- Dhamtari (C.G.) for the offence punishable under Section 498-A r/w 34 of IPC.
2. As per the case of prosecution, complainant got married with applicant on 25.12.2020 through *choori marriage* custom before the members of community. After one month of marriage family members of applicant started ill-treating and harassing complainant and demanding dowry of Rs. 5 lakh cash. Her ornaments were also taken over by them. From their wedlock complainant conceived and carrying pregnancy of seven months to which applicant started suspecting of not his child. Further alleged that after marriage applicant kept her along with him at Raipur only for a month and thereafter left her in his parents house at Nagri and then never taken her with him at Raipur. Based on the written report, crime was

registered against applicant, his mother, father and brother.

3. Mr. Pragalbh Sharma, learned counsel for the applicant would submit that applicant is working as Fireman in the Fire-brigade department, Raipur. This is the second marriage of both the applicant and complainant and in second marriage. There is no space for demand of dowry, the allegations levelled against the applicant and his family members is absolutely baseless. Complainant during her stay at Raipur with applicant demanded money and also began insisted to visiting her sister's house which is the cause of some dispute between them. After conceiving pregnancy to complainant, looking to the pregnancy period and covid-19 pandemic situation, applicant left her to his parents house at Nagri. It is the applicant who was taking care of her health and in support of which he has also having some documents and copy of the medical prescription and has filed along with covering memo in support of his contention. Co-accused persons have been enlarged on bail. As the applicant is a government servant, he may also be extended benefit under Section 438 of CrPC otherwise his career will be affected.
4. On the other hand, Mr. Shrikant Kaushik, learned State counsel opposes the submissions made by learned counsel for the applicant and submits that in the written report there is specific allegation of ill-treatment and harassing for want of dowry and also asking the complainant for getting her pregnancy aborted. He also submitted that the applicant suspecting the pregnancy of complainant. In presence of members of community meeting also applicant could not take decision to keep the complainant with him and in the counselling proceedings before Mahila police station also no settlement has been arrived between the parties. He submits that in view of the material available in the case diary, applicant is not entitled for benefit under Section 438 of CrPC.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations, period of marriage and further that the applicant is working as government employee in the Fire-brigade department, without commenting anything on merits of the case, I am inclined to allow the 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 (90/2021), 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

Pawan