

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1005 of 2021

- Naresh Chandel, son of Rajeshwar Ram, aged about 34 years, resident of Street No.17-A, Bajrangpara, Kohka, Bhilai, Tahsil and District Durg (CG)

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer, Police Station Mahila Thana, Durg Sector-6, Bhilai, Civil and Revenue District Durg (CG)

---- Non-applicant

For Applicant	:	Mr. Pawan Kumar Kashyap, Advocate
For Non-applicant	:	Mr. Roshan Dubey, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

25/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.48/2021 registered at Police Station Mahila Thana, Durg Sector-6, Bhilai, District Durg (CG) for commission of offence punishable under Section 498A, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant got married with applicant on 29.4.2009. After two years of marriage, applicant and in-laws of complainant started taunting her saying that she had not brought adequate dowry in marriage; if applicant is married to some other girl, they would have got cash of Rs.5 to 10 Lakh as dowry and used to ask her to bring Rs.5 Lakh from her parents. Applicant is habitual drunkard, he is having extra marital affair with one lady and he is residing with her. Based on written report dated 23.2.2021, initially both the parties were referred to the Counselling Centre and after completion of counselling proceedings, report was submitted by Counselling Centre based on which FIR is registered against applicant and his father on 14.6.2021.
3. Mr. Pawan Kumar Kashyap, learned counsel for applicant

would submit that after marriage, complainant and applicant have been blessed with a male child. Allegation with regard to ill-treatment and harassment for demand of dowry is false and frivolous. Complainant herself was not behaving properly in her matrimonial home for which a meeting of community was called. Applicant has also made complaint in the concerned police station apprehending false implication by complainant. Applicant is ready to keep the complainant with him, hence he may be enlarged on anticipatory bail.

4. Mr. Roshan Dubey, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that based on written report dated 23.2.2021 regarding ill-treatment and harassment for dowry; applicant is having extra-marital affair with some lady, and after receipt of report of Counselling Centre, FIR is registered against applicant and his father on 14.6.2021. He further submits that prior to lodgement of report dated 23.2.2021, complainant has also lodged FIR on 15.11.2020 in Police Station Saraswati Nagar, Raipur making allegation of assault and abuse against applicant. He read out proceedings recorded in Counselling Centre to submit that applicant himself has admitted that he is having extra-marital affair with one lady, he will not leave that lady and he is ready to keep both of them with him. Hence, applicant is not entitled to be enlarged on anticipatory bail.
5. I have heard learned counsel for parties.
6. Taking into consideration the nature of allegations levelled against applicant and statement made by applicant before the Counselling Centre, I do not find it to be a fit case where applicant should be extended benefit of anticipatory bail.
7. Accordingly, this anticipatory bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-