

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1015 of 2021

Sarvapriya S/o Late Sri Ajay Kishore Narayan, Aged About 28 Years, R/o Near The House of Shri Tamrdhwaj Sahu, Minakshi Nagar, Ward No.52, Police Outpost- Padmanabhpur, Thana - Durg, District – Durg, Chhattisgarh. (Pin Code 491001).

----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station - Women Police Station -Durg, District – Durg, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Rabi Bhushan Sharma, Advocate.
For Respondent-State	: Mr. Sudhir Sahu, PL.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

26/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.56/2021 registered at Police Station –Women Police Station, Durg, District – Durg, (CG), for the offence punishable under Sections 498(A)/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 16.02.2021 complainant got married with applicant. On 27.02.2021, she went to Hyderabad alongwith applicant and started residing there. On 14.03.2021, she returned back alongwith applicant to Durg, went to her parents house and started living there. On 02.06.2021, she lodged written complaint before Mahila Police Station Durg against applicant and his widow mother, brother and sister. Complaint was forwarded to Counselling Centre for counselling. After completion of counselling proceeding, FIR was registered against all of them.
3. Learned counsel for the applicant submits that after marriage

complainant resided in her matrimonial house for 08 days only. On 27.02.2021, she went alongwith applicant to his place of employment at Hyderabad and started residing there. When complainant pressurize the applicant that she want to visit her parents house, both of them came to Durg on 14.03.2021, complainant went to her parents house. He further submits that he has placed on record mobile chats in which complainant has not made any allegation of ill-treatment or assault on account of demand of dowry. Page No.43 of mobile chat clearly shows that applicant has not raised his hands at any point of time on complainant as alleged. From initial days of marriage, both of them could not adjust to the expectations of each other due to which dispute took place on trivial issues. In counselling proceeding, applicant has shown his will and desire to continue his marital relationship with complainant. But it is complainant, who refused to reside with him by making false allegation against him. From contents of complaint itself it is apparent that after marriage complaint resided in her matrimonial house for about 08 days only, but even then false and frivolous allegation has been levelled against her husband and her in-laws. It is also pointed out that sister-in-law of complainant is residing at Pune and other in-laws at Durg. Looking to the nature of allegation and period spend by complainant with applicant of less than one month together. Applicant may be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that allegation against applicant are serious in nature. In support of his contentions, he read over contents of FIR as well as statements of applicant and complainant in counselling proceedings. However, on putting a question to learned State Counsel

with regard to the proceedings before Counselling Authority, he read over some portion of statements of applicant and complainant recorded before Counselling Authority.

5. Learned counsel for the complainant submits that applicant from inception of marriage treated complainant with cruelty. Apart from demand of dowry, applicant in intoxicated conditions has assaulted complainant at Hyderabad and pressurize her for making unnatural sex. Hence, he is not entitled for grant of anticipatory bail.
6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation, material available on record, the fact that complainant after marriage resided in her matrimonial house for about 8 days only thereafter went to Hyderabad ie. place of employment of applicant, there also she resided with applicant for less than 1 month, without commenting anything on merits of this case, I am inclined to grant anticipatory bail to applicant.
8. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with crime in question, he shall be released on bail by the officer arresting him on executing a personal bond in 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 applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that 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 from disclosing such facts to the Court or to any

police officer;

(iii) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that applicant shall appear before the trial Court on each and every date given to him by said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-