

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1038 of 2021

Dharmendra Kumar Sahu S/o Dayalal Sahu, Aged About 32 Years, R/o Hind Nagar, Risali, Bhilai, Tehsil and Distt -Durg, (Chhattisgarh).

---- Appellant

Versus

State of Chhattisgarh Through The District Magistrate, Durg, Distt -Durg (Chhattisgarh).

--- Respondent

For Applicant	: Ms. Madhunisha Singh, Advocate.
For State	: Mr. Vaibhav Singh, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

06/09/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.57/2021 registered at Police Station –Mahila Thana, Sector 6, Bhilai, Distt -Durg, (CG), for the offence punishable under Sections 498 -A, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant got married with applicant on 12.12.2019 and thereafter she started living in her matrimonial house. From their wedlock, they have blessed with one boy, born pre-maturely. When complainant was pregnant, she was forced by her in-laws to do all house-hold works. After marriage, she was continuously harassed and ill-treated on account of demand of balance dowry of Rs.4 lacs. When she was in hospital for delivery, applicant and his family members said to her that they will not bear her medical expenses. There is also allegation against father-in-law of sexual advances. Based upon written complaint, FIR is registered against applicant and his family members.
3. Learned counsel for the applicant submits that allegation leveled against applicant and his family members are false and omnibus, no specific

allegation is made against applicant. From inception of marriage, complainant was not discharging her obligation as wife, ill-treated her in-laws, even small child in house. Looking to the act, attitude and misbehavior of complainant, applicant has lodged a complaint initially on 05.04.2021 to the concerned Police Station. Thereafter, looking to the threat of committing suicide again report was lodged on 12.05.2021, based upon which, the Police has drawn proceeding under Section 155 of Cr.P.C. She further submits that complainant left her matrimonial house on 21.07.2021 and thereafter, applicant again submitted a complaint on 24.07.2021. Father and mother of applicant have been granted anticipatory bail by Court below vide order dated 28.07.2021. From marital relationship of applicant and complainant, they are blessed with one baby boy aged about 9 months. There are chances of reconciliation, hence, applicant may be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that complainant has lodged a written complaint making serious allegation against applicant and his family members. He submits that on account of demand of balance dowry of Rs.4 lacs complainant was harassed and ill-treated by applicant and in-laws since marriage. Applicant has not taken care of complainant during her pregnancy and asked to make arrangements for medical treatment of her pre-mature delivery. There is further allegation of sexual advances against father-in-law. Hence, applicant is not entitled for grant of anticipatory bail. However, on putting a specific query to learned State Counsel, he submits that there is no specific allegation against applicant but general allegation have been leveled against all the family members.
5. Heard learned counsel for the parties.

6. Considering the entire facts and circumstances of the case, nature of allegation, period of marriage, the fact that from marital relationship applicant and complainant are blessed with one baby boy aged about 9 months, complaint lodged by applicant family on earlier point of time on 05.04.2021, 12.05.21 and 24.07.21, father and mother of applicant have been granted anticipatory bail by the Court below, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the 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. The 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/her 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 the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-