

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1046 of 2021**

Dhani Ram Turkane S/o Basant Turkane, Aged About 32 Years, R/o New Anand Nagar, Jedhwar Talab, Bhanpuri, Raipur, P.S. Khamtarai, Tahsil and District Raipur Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh through Woman Police Station House Bilaspur, District Bilaspur Chhattisgarh.

**---- Non-applicant**

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For Applicant : Shri Ashok Soni, Advocate

For Non-applicant/State : Shri Vaibhav Singh, Panel Lawyer  
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***(Proceedings through Video Conferencing)***

**Hon'ble Shri Justice Parth Prateem Sahu**

**Order on Board****02.09.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.54 of 2021, registered at Police Station Woman P.S. Bilaspur (C.G.), for offence punishable under Section 498A, read with Section 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, the complainant got married with the applicant on 04.05.2015. After marriage, applicant and his family members started ill-treating and harassing her for demand of dowry. The accused persons were demanding Rs.3 Lacs towards dowry. She was forced to do household work during her pregnancy period and thereafter, she suffered miscarriage twice. When the dispute was brought to the notice of

community members, an attempt was made to resolve the dispute in the month of November 2020, but applicant and family members have not shown any interest in resolving of dispute. Written report was lodged on 03.08.2021. Based on the written report, crime was registered against the applicant and his family members.

3. Shri Ashok Soni, learned counsel for the applicant submits that the allegation of demand of dowry, ill-treatment and harassment is absolutely false and baseless. Complainant was in the habit of visiting her parents house regularly, which was being objected by the applicant and his family members therefore, trivial dispute arose between the parties on number of occasions. He further submits that on 26.06.2020, brother of complainant came to the house of applicant and took complainant along with him, which was reported to the Office of Superintendent of Police on 27.06.2020 that his wife left her matrimonial home without intimating to anyone. He also submits that after lodging of report by complainant, in the counseling proceeding, applicant had shown his intention to keep the complainant with him, but it is the complainant, who did not want to reside in the Company of applicant. Applicant is working as Clerk in private sector at Raipur, hence, he may be enlarged on anticipatory bail.
4. Per contra, Shri Vaibhav Singh, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicant, would submit that in the First Information Report, specific allegation of ill-treatment and

harassment with respect to demand of dowry has been made by the complainant. He also submits that there is allegation of treating the complainant with cruelty as she was being asked to do entire household work during her pregnancy period resulting in miscarriage of pregnancy. The applicant has shown intention not to keep the complainant with him in the counseling proceeding which took place in the month of November 2020. However, upon putting a specific question with regard to statement in the counseling proceeding before the Mahila Thana, he submits that those proceedings are not forming part of the diary.

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations levelled against family members, period of marriage and submission made by learned counsel for applicant that in the counseling proceeding applicant has shown his intention to keep the complainant with him, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

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

(ii) he 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) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-

**(Parth Prateem Sahu)**  
**Judge**