

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1064 of 2021

Gaurav @ Gayeshwar Sahu S/o Shri Shyamlal, Sahu Aged About 35 Years,
 R/o Near Sharda Mandir, Ward No. 03, Gogaon, P.S -Gudhiyari, Tahsil and
 District- Raipur (C.G.)

---- Appellant

Versus

State of Chhattisgarh Through P.S. - Mahila Thana, Durg, District- Durg (C.G.).

--- Respondent

For Applicant	: Mr. Vaibhav A Goverdhan, Advocate.
For State	: Ms. Anjali Singh Chauhan, 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.66/2021 registered at Police Station –Mahila Thana, Durg, (CG), for commission of offence punishable under Section 498-A, 34 of the Indian Penal Code and Section.
2. Case of the prosecution, in brief, is that on 11.05.2018 complainant got married with applicant and started residing in her matrimonial house. On 25.07.2019, she left her matrimonial house and went to her parents house. On 05.08.2021 complainant has lodged written complaint against applicant and his family members making allegation of ill-treatment on account of demand of dowry, given false information regarding educational qualification of applicant to be MBA and his earning. Further applicant and his family members have given false information before marriage that they are vegetarian but when complainant started residing in her matrimonial house she realised that they are non-vegetarian. It is also alleged that applicant is having illicit relation with his sister-in-law (co-accused Manisha) to which, complainant objected. Based upon written complaint, instant crime is registered against applicant and his family members including sister-in-law Manisha.

3. Learned counsel for the applicant submits that complainant was preparing for the competition of Civil Judge exam for which after her marriage she shown her intention to join coaching classes which was permitted by applicant and his parents, she was provided two wheeler to attend the coaching classes. Complainant from initial days of her marriage, was not behaving properly with her-in-laws, even replying harshly and rudely to father and mother of applicant. Looking to the conduct and misbehavior, mother of applicant has lodged report before the Superintendent of Police, Raipur and SHO of Mahila Thana, Raipur on 28.08.2019. Copy of which, filed as Annexure A-2 alongwith application. Mother of applicant further lodged report to concerned police station on 30.08.2020 of giving threat by complainant of implicating applicant and his family members in false case. Upon, which the Police has drawn proceeding under Section 155 of Cr.P.C which is placed on record as Annexure A-3. Prior to lodging of complaint, looking to threat given by complainant, applicant himself lodged report to the Superintendent of Police, Raipur and Station House Officer, Police Station -Gudihari, Raipur on 03.08.21. He further submits that applicant has not given false information with regard to his educational qualification as he is Post Graduate in Business Administration from Indira Ghandi Nationnal Open University. Certificate issued by the University is placed on record as Annexure A-7. In the year, 2019, father of complainant has moved an application before the Tahsil Sahu Community, Dharsiva, Raipur for their intervention so that counselling of complainant can be done. Copy of notice issued based on application is placed on record as Annexure A-9 ie dated 01.12.19. All these proceedings are prior to the date of registration of FIR. When complainant left her matrimonial house on 25.07.2019 and company of applicant, he has moved an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights which is registered as Civil Suit No.904/2019. Complainant has not made any allegation since July, 2019 till July, 2021 for about one year. When notices of application under Section 9 was

issued by the Competent Court, false and frivolous allegations have been made by complainant against all the family members of applicant. It is further pointed out that all other co-accused persons have been granted anticipatory bail by the Court below. Hence, applicant may also be enlarged on anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant. She read over the contents of FIR in support of her contention and submits that serious allegation has been levelled against applicant and his family members. She further submits that along-with complainant, copies of whatsapp chat and letter send on whatsapp to applicant by his sister-in-law (Manisha) with whom he was having illicit relationship is also placed on record. She read over contents of some of Whatsapp chat and submits that there is admission on the part of sister-in-law (Manisha) that she is having illicit relation with applicant.
5. Heard learned counsel for the parties.
6. After marriage, complainant resided in company of applicant till July, 2019 thereafter she left her matrimonial house and went to parents house and started residing there. She has not lodged any complaint before any of the authorities or before any community members till August, 2021 ie complainant has lodged written complaint for the first time after about two years of her leaving matrimonial house. Applicant along-with application has placed on record copy of certificate issued by University dated 06.02.18 mentioning therein that applicant has completed MBA (Human Resources Management) in December, 2017.
7. Also perused copy of letter available in case diary wherein grievance raised by sister-in-law (Manisha) is that applicant after his marriage is not listening her and looking upon her.
8. Considering the entire facts and circumstances of the case, nature of allegation, materials placed on record by applicant along-with application with regard to report lodged by his mother in the year 2018 & 2020, documents

available in case diary, and the fact that written complaint was lodged after two years of leaving of matrimonial house by complainant, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

9. 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, she shall be released on bail by the Officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-