

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1157 of 2021

- Rahul Gera S/o Omprakash Gera Aged About 35 Years R/o 26 Hb Colony, Near Milan Restaurant, Sector - 10, Faridabad, Sector - 07, Haryana, 121006

---- Applicant

Versus

- State of Chhattisgarh Through P.S. Mahila Thana, District Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Shri Akash Kundu, Advocate
For Respondent/State	: Shri Sudhir Sahu, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

22.09.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 41 of 2021 registered at Police Station Mahila Thana, District-Bilaspur, Chhattisgarh for commission of offenses punishable under Sections 498A, 506 & 34 of IPC.
2. Case of the prosecution, in brief, is that, complainant got married with applicant on 30.11.2020. Written complaint was lodged before Mahila Thana, Bilaspur based upon which aforementioned crime has been registered against applicant and his parents.
3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.
4. Shri Akash Kundu, learned counsel for the applicant would submit that written complain was lodged within few months of marriage. After marriage, complainant could not adjust herself in her matrimonial home. She is a working lady, in Private Sector at Gurgaon and therefore, there were some trivial

dispute with applicant's family members. Allegation of ill-treatment and harassment on account of demand of dowry is absolutely false and baseless. Complainant during short period of her marriage, had initially left her matrimonial home on trivial issue on 12.12.2020. Thereafter, she came to her matrimonial home after counseling on 17.12.2020. She again went to her parents' house on 30.12.2020 along with applicant where they resided together till 05.01.2021 at Bilaspur, as parents of complainant are having residence at Bilaspur as well as in Gurgaon also. Lastly, complainant left the applicant's Company in the month of April 2021. Initially complaint was lodged in Mahila Police Station, Sector 51 of Gurugram on 02.06.2021. Looking to nature of allegations made in complaint, it was forwarded for counseling of parties. On notice, applicant and his family members appeared before Counseling authority on 21.06.2021, 28.06.2021, 03.07.2021 and 10.07.2021. Complainant did not appear before counseling authority on any of above dates and subsequently, she submitted an affidavit that she want to shift her complaint at Bilaspur. Thereafter, complainant lodged a report at Bilaspur. From above conduct of complainant, it is apparent that complainant for one or the other reason, avoided counseling, which shows that allegation of ill-treatment, harassment for demand of dowry are false and baseless. He submits that applicant is a young man, aged about 35 years and working in a private Company, there are chances of settlement between the parties, hence he may be enlarged on anticipatory bail.

5. On the other hand, Shri Sudhir Sahu, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that in FIR registered against applicant, there are serious allegations of ill-treatment and harassment against applicant and his family members. Also there is allegation that applicant has made assault on complainant and further that when they were on honeymoon trip, applicant in intoxicated condition, tried to push the complainant from balcony of hotel, hence, he is not entitled for benefit of Section 438 CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicant, proceedings of counseling placed on record with covering memo of Mahila Cell, Sector 51 Gurugram, period of marriage, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make him/her available for interrogation before the Investigating Officer as and when required;

- b) That the 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma