

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1162 of 2021

1. Bharat Tekade S/o Vasudev Tekade, Aged About 43 Years, R/o Konkan Gyanpith Rahul Dharkar, College Of Pharmacy & Research Institute, Tahsil Karjat, Raigarh, District Raigarh (Maharashtra).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Mahila Thana, Durg (Chhattisgarh).

---- Non-Applicant/State

For Applicant	:	Mr. Aditya Khare, Advocate
For Non-Applicant/State	:	Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

04/10/2021

- 1) The applicant has preferred this First Bail Application under Section 438 of Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 13/2021 registered at Police Station Mahila Thana, Durg (C.G.) for the offence punishable under Section 498-A/34 of Indian Penal Code.
- 2) Case of the prosecution, in brief, is that on 09/03/2019 complainant got married with the applicant. This was the second marriage for the complainant and the applicant. After some time of the marriage the applicant and the family members started ill treating and harassing her. They used to pass comments that her parents have not given any dowry in the marriage and she belongs to poor family. She was forced by in-laws to do all household works alone, proper food was not being given to her and even the applicant used to assault her. Her sister-in-law who is working as Doctor has administered some medicines due to which she suffered miscarriage. The allegation against all the family members of the

applicant is of threatening, provoking the applicant to treat the complainant with cruelty and after taking her signature on blank paper she was ousted from her house on 01/07/2020. The written report was lodged on 27/11/2020. After receiving the written report it was forwarded to the Counseling authority where after completion of the counseling proceedings, FIR was registered on 16/01/2021 against the applicant and his four other family members.

- 3) Learned counsel for the applicant submits that the applicant is working as Professor. It is the complainant who after marriage could not accommodate herself in the family of the applicant. Applicant is having 02 children, aged about 13 years and 07 years from his first marriage. The complainant knowing all the background of the applicant performed second marriage. He points out that the complainant from her earlier husband has also taken divorce after accepting permanent alimony of Rs. 9,20,000/-. Against him also the complainant has filed a report for offence under Section 498-A of IPC. The applicant has filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and wants to continue her marital relationship with the complainant and hence, the applicant may be enlarged on anticipatory bail.
- 4) On the other hand, Shri B.L. Sahu, learned counsel for the State opposes the submissions made by the learned counsel for the applicant and would submit that in the written report serious allegations have been leveled against the applicant and his family members. He submits that when after lodging of the complaint, it was forwarded to the counseling authority, the applicant did not appear, hence the crime was registered against him and others. However, upon putting specif query with regard to whether the applicant has intimated the proceedings under Section 9 before the concerned Court to the counseling authority, after going through the case dairy he submits that when the counseling authority called the applicant on telephone, he intimated the fact

that he has filed the application before the competent Court.

- 5) I have heard learned counsel for the respective parties.
- 6) Taking into consideration the nature of allegation against the applicant, the facts and circumstances of the case and the documents placed on the record, without commenting anything on merits of the case, I am inclined to allow the bail application.
- 7) Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question (13/2021), he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond for a sum of **Rs. 25,000/-** with one surety in the like sum to the satisfaction of the concerning arresting Officer. Applicant shall abide by the following conditions:-
 - i. that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
 - ii. 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 fact to the Court or to the Police Officer,
 - iii. that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. that the 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