

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1195 of 2021**

Ashish Mishra S/o Late Shri Vinay Mishra, Aged About 33 Years, Caste Bramhan, R/o B-306, Behind Akshardham Apartment Ramvatika Society, Infront of Sai Mandir Jadeshwar, District Bharuch (Gujrat).

---- Applicant**Versus**

The State of Chhattisgarh Through Police Station City Kotwali, Dhamtari District Dhamtari Chhattisgarh.

---- Non-applicant

 For Applicant : Mr. Hemant Kumar Agrawal, Advocate
 For Non-applicant/State : Ms. Anjali Singh Chouhan, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****29.09.2021**

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.120 of 2021, registered at Police Station City Kotwali, Dhamtari, District Dhamtari, C.G., for offence punishable under Section 498(A) of Indian Penal Code.
2. Case of the prosecution in brief, is that, complainant got married with applicant on 24.11.2017. After few days of marriage, applicant started ill-treating and harassing her on account of demand of dowry. Applicant use to say that he will keep her only when she bring money from her parents. On 23.11.2020, when complainant was coming back to Dhamtari along with her brother,

they have approached to Mahila Police Station, Bharuch Gujrat to lodged report, where they came of know that the applicant along with his relatives have submitted the documents signed by complainant that she is leaving the place of her husband on her own will. She came back to Dhamtari in her parents house on 24.11.2020 and written report was lodged on 05.03.2021, based upon which, aforementioned crime is registered against the applicant.

3. Mr. Hemant Kumar Agrawal, learned counsel for the applicant submits that complainant is interested in living modern life style. She do not want to reside in joint family of applicant. In First Information Report or written complaint, no specific allegation is levelled, but it shows general and omnibus allegation of demand of dowry against the applicant. It is contended that it is the complainant herself who do not want to reside in the company of the applicant, whereas applicant wanted to continue to his marital relationship with complainant, hence, applicant may be enlarged on anticipatory bail.
4. Per contra, Ms. Anjali Singh Chouhan, P.L. for the State opposing the submissions made by learned counsel for the applicant, would submit that serious allegations have been levelled against the applicant in First Information Report. She further submits that complainant in her statement has stated that applicant has taken signatures on the paper suppressing the fact that signature is on the paper, wherein intention of complainant has been recorded that she is leaving the place of her husband on her own will,

whereas as per her knowledge, she has signed the document that she is taking back certain articles from her matrimonial home.

5. However, upon putting specific query to learned counsel for State with regard to what was the demand by applicant as dowry from the complainant, she submits that the allegation is that, applicant has demanded money from complainant as dowry. There is no specific allegation of demand of value of amount or any particular article.
6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegation, submissions made by learned counsel for the parties, without commenting anything into the merits of the case, I am inclined to release the applicant on anticipatory bail.
8. 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

Yogesh