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**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1190 of 2021**

Neeraj Nishad S/o Shri Santuram Nishad, Aged About 28 Years, R/o Village Mungaser, Thana Patewa, District Mahasamund Chhattisgarh, Present Residence of Balaji Poultry Farm Kona, District Mahasamund Chhattisgarh.

---- Applicant

**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District Mahasamund Chhattisgarh.

---- Non-applicant

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For Applicant : Shri Sunil Sahu, Advocate

For Non-applicant/State : Shri Roshan Dubey, Panel Lawyer  
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**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****27.09.2021**

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.558 of 2020, registered at Police Station Mahasamund, District Mahasamund (C.G.), for offence punishable under Sections 294, 323, 506, 498-A/34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, complainant and applicant were having love relationship prior to 15.10.2018. They performed love marriage in Arya Samaj on 15.10.2018. After marriage, complainant and applicant resided in servant quarter situated at Balaji Poultry Farm as both of them were working as labourers. Applicant after marriage started quarreling on the ground that due to pressure of complainant, he performed marriage with her and

parents of complainant has not given any gift articles and motorcycle. On 12.10.2020, applicant assaulted her tried to strangle and also dragged her out from the house, thereafter, incident was reported to concerned Police Station on 13.10.2020, based upon which, First Information Report was registered against the present applicant.

3. Shri Sunil Sahu, learned counsel for the applicant would submit that applicant and complainant performed love marriage, therefore, allegation of harassment, ill-treatment and assault on account of demand of dowry is *prima facie* baseless. He further submits that there may be some trivial dispute between the parties, but allegation of assault, demand of dowry and further administering medicine for aborting the pregnancy is false and baseless. It is contended that complainant only to implicate the other family members has made allegations against mother-in-law and brother-in-law whereas she did not reside along with her in-laws in their house, but as per contents of complaint, after marriage, complainant and applicant resided in servant quarter situated at Balaji Poultry Farm. It is further contended that other co-accused persons have been enlarged on bail by this Court, hence, present applicant may be enlarged on anticipatory bail.
4. Per contra, Shri Roshan Dubey, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicant, would submit that serious allegations have been levelled against the applicant of ill-treatment, harassment and also assault on account of demand of dowry.

Applicant has also made an attempt to strangle the complainant. He further submits that in the statement recorded under Section 164 of Cr.P.C., more serious allegations have been levelled against the applicant of making physical relationship with the complainant in front of his brother, hence, he is not entitled for grant of anticipatory bail.

5. However, on putting specific query to learned counsel for the State whether the allegation of making physical relationship in front of brother of applicant is available in the First Information Report or not, he submits that said allegation is not mentioned in the First Information Report.
6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations, period of marriage, contents of First Information Report and contents of statement recorded under Section 164 of Cr.P.C., without commenting anything into the merits of the case, I am inclined to release the present 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**