

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1181 of 2021**

- Uttam Tandon S/o Seuk Tandon aged about 27 Years R/o Bichpara, Ward No. 12, Bodla, Police Station and Tahsil Bodla, District Kabirdham Chhattisgarh.

-----Applicant**VERSUS**

- State of Chhattisgarh through: District Magistrate, Kabirdham, District Kabirdham Chhattisgarh

-----Non-applicant

For Applicant	: Mr. C.P. Lahrey, Advocate
For Non-applicant- State	: Mr. Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****27/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 135/2021 registered at Police Station Bodla, District-Kabirdham (C.G.) for the offence punishable under Section 498A, 34 of IPC.
2. As per the case of prosecution, complainant who got married with applicant on 10.05.2019 lodged written report on 04.02.2021 to police station Bodla stating that within short time of marriage applicant and his family members started ill-treatment, harassment and abusing her for demand of dowry. It was further alleged that they were also harassing, ill-treating the complainant on the ground of giving gift articles in marriage of inferior quality. Applicant and other members of his family demanded money from complainant and her father for starting business of computer shop for applicant to which some

amount has been arranged by father of complainant with the help of her maternal uncle. Even thereafter, complainant was being harassed and treated with cruelty. Applicant also assaulted her. Based on the written report crime was registered against applicant, father-in-law, mother-in-law and sister-in-law of complainant.

3. Mr. C.P. Lahrey, learned counsel for the applicant would submit that the allegations levelled against the applicant with regard to ill-treatment, harassment and treating the complainant with cruelty for demand of dowry are absolutely false and baseless. He submits that within 15 days of marriage complainant got employment as Rojgar Sahayak (Employment Assistant) in Gram Panchayat Kopedabri which is nearer to the place of her parental house. Therefore, complainant and applicant started living at village Kurda (parental house of complainant). He submits that when the due date of delivery came nearer, complainant came to her matrimonial house and they resided there only for few days. Birth of child on 17.02.2020 was in hospital at Kawardha. He also pointed out that after lodging complainant it was forwarded to Counselling authority where counselling proceedings of parties have taken place. Applicant stated that he wants to keep the complainant and continue his marital relationship with her. Even the parents of applicant have stated that the complainant and applicant can live wherever they want but it is the complainant who did not want to continue her marital relationship with applicant. He submits that the counselling proceedings was filed in application for grant of anticipatory bail of in-laws of complainant in MCRCA No. 808/2021 but it could not be placed on record along with this application but it is available with him.
4. On the other hand, Mr. Shrikant Kaushik, learned State counsel

opposes the submissions made by learned counsel for the applicant and submits that serious allegations have been levelled against applicant of ill-treatment, harassing and also assaulting the complainant on the ground of demand of dowry. He submits that maternal uncle of complainant has stated that father of complainant asked him for arrangement of some money to give it to in-laws of complainant, upon which, maternal uncle has arranged cash amount, gave it to father of complainant which was handed over to father of applicant in front of him, hence, involvement of applicant in commission of crime is apparent. Applicant is not taking care of the child nor making arrangement for treatment of child.

5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations, period of marriage, birth of child from the marital relationship of complainant and applicant on 17.02.2020 and the submissions made by applicant and in-laws of complainant that complainant and applicant can live wherever they want, without commenting anything on merits of the case, I am inclined to allow the bail application.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (135/2021), 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/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:
 - (i) that the applicant shall make himself available for interrogation before the Investigation 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 facts to the Court or to any 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

Pawan