

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.1299 of 2021**

- Kishore Kumar Supet (wrongly mentioned as Kishore Supet), son of Neelkanth Supet, aged about 31 years, R/o Ward No.15, Shikari Para, Balod, District Durg (CG)

---- Applicant**Versus**

- State of Chhattisgarh, through the Station House Officer, Police Station Mahila Thana, Durg, District Durg (CG)

---- Non-applicant

For Applicant	:	Mr. B.P. Singh, Advocate
For Non-applicant	:	Mrs. Seema Dixit, Panel Lawyer.
For Objector	:	Mr. P.K. Dhurandhar, Advocate

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****01/12/2021**

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.90/2021 registered at Mahila Thana Durg, District Durg (CG) for commission of offence punishable under Section 498-A, 34 of IPC.
2. Case of the prosecution, in brief, is that marriage between applicant and complainant was solemnized on 30.6.2020. Immediately after marriage, applicant and his family members started harassing and ill-treating complainant for demand of dowry of Rs.5 Lakhs. Complainant left her matrimonial home and returned to her parental house on 1.6.2021 and thereafter written report was lodged by her on 9.6.2021 against applicant and his family members making allegation of ill-treatment and harassment for demand of dowry. Report was forwarded to the Counselling Authority. Complainant and applicant both appeared before the Counselling Authority. Later on, complainant stated before the Counselling Authority that she wants action against her husband and in-laws, therefore, report was forwarded to concerned police station, thereafter FIR was registered on 5.9.2021.

3. Mr. B.P. Singh, learned counsel for applicant would submit that marriage of complainant was solemnized with applicant with her own choice. Applicant is working as psychiatrist nurse in Government Hospital, Bilaspur. Complainant wife is also working as Nurse. Initially she was working as Nurse in Durg on temporary basis, subsequently she got permanent employment on the post of Nurse in Community Health Centre, Kota. After marriage, complainant could not adjust herself with applicant and her in-laws, therefore, she left company of applicant and went back to her parental home. As complainant performed marriage with applicant against the wishes of her parents, therefore, her parents instigated her to lodge false report against applicant and his family members. Applicant stated before the Counselling Authority that he is ready to live with complainant wife. Even applicant has filed an application under Section 9 of the Hindu Marriage Act, 1955 before the Family Court, Balod for restitution of conjugal rights. Applicant is a government servant, hence he may be extended benefit of anticipatory bail under Section 438 CrPC.
4. On the other hand, Mrs. Seema Dixit, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that complainant has made specific allegation of ill-treatment and harassment by husband and in-laws of complainant for demand of dowry of Rs.5 Lakhs. Before the Counselling Authority also complainant stated about demand of dowry of Rs.5 Lakh. As there is prima facie involvement of applicant in commission of crime in question, he is not entitled to benefit of anticipatory bail.
5. Mr. P.K. Dhurandhar, learned counsel for complainant/ objector would submit that due to continuous harassment and ill-treatment in connection with demand of dowry of Rs.5 Lakh, complainant transferred Rs.2,55,000/- in bank account of applicant through different transactions, which shows that allegation levelled against applicant and his family members is

correct. Hence, applicant may not be granted anticipatory bail.

6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of case; nature of allegations; period of marriage; the fact that applicant is ready and willing to live with complainant wife and also moved an application under Section 9 of Hindu Marriage Act, 1955 seeking restitution of conjugal rights, without commenting anything on merits of case, I am inclined to grant benefit of anticipatory bail to applicant.
8. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with 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/- with one surety in the like sum to the satisfaction of the Arresting Officer. Applicant shall also abide by following conditions:
 - (i) that he shall make himself available for interrogation before Investigating Officer as and when required;
 - (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him / her from disclosing such facts to the Court or to any police officer;
 - (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-