

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1247 of 2021**

Dharmendra Kumar Sahu, aged about 41 years, S/o Shri Tamradhwaj Sahu,
R/o Kanharpuri, Ward No. 34, P.S. Kotwali, Tah. and Distt. - Durg (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through: - Station House Officer, Mahila Thana – Durg,
District Durg (C.G.)

----Non-applicant

For Applicant	:	Mr. Rakesh Kumar Thakur, Advocate.
For Non-applicant	:	Ms. Anjali Singh Chouhan, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****24.11.2021**

(1) The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 76/2021 registered at police station Mahila Thana, Durg for commission of offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that marriage of complainant – Taruni Sahu was solemnized with the applicant on 11-5-2011. They were blessed with two children namely Kartikey & Ganesh Sahu. After lapse of some time, her husband i.e. applicant & his parents & two sisters used to harass her physically and mentally by abusing her and also committing *marpeet* with her. As a consequence, on 06.5.2021 complainant ousted from their house alongwith her two children. Based on the above facts, present FIR has been registered against the applicant, his father, mother & two sisters under Section 498-A/34 of the IPC.

(3) Learned counsel appearing for the applicant would submit that applicant and his family members have never ill-treated or harassed the complainant. Actually, the

fact is that complainant wants to live separately from the parents of the applicant. He would next submit that earlier on 6.5.2021, complainant has lodged FIR No. 0243/2021 under Sections 323, 506 read with Section 34 of the IPC against the applicant & his parents at Police Station City Kotwali, Rajnandgaon but in that report, she has not stated anything about harassment in connection with demand of dowry. Since she herself left the house of applicant along with her two children on her own will, therefore, on being application filed by the applicant under Section 97 of the Cr.P.C., Sub Divisional Officer, Dhamdha, District Durg has issued search warrant dated 11.8.2021 against the complainant, thereafter, as a counter blast, present FIR has been lodged by the complainant against the applicant and his father, mother and two married sisters on 24.08.2021 at Mahila Thana, Durg, which is totally false and baseless. He would next submit that father, mother and two sisters of the applicant have already been granted anticipatory bail by 4th Additional Sessions Judge, Durg, hence, the applicant may be extended the benefit of Section 438 of the Code of Criminal Procedure.

(4) On the other hand, learned counsel for the State vehemently opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the material available on record.

(6) Considering the facts & circumstances of the case, nature & gravity of the offence, particularly the copy of FIR dated 6.5.2021 of Crime No. 0243/2021 lodged by complainant (Anneuxre A-2) and search warrant issued by the Sub Divisional Officer, Dhamdha, District Durg dated 11.8.2021 against the complainant, I am of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a bond in the sum of ₹ 25,000/- with one surety for the like sum to the satisfaction of the officer/Court arresting him and he shall abide by all the following terms and conditions:

(i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required.

(ii) that the accused/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 accused/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.

Certified copy, as per rules.

Sd/-

(N.K. Chandravanshi)
Judge

D/-

