

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1262 of 2021**

Rahul Jain S/o Bhagchand Jain Aged About 34 Years R/o Ward
No. 15, Vaishali Nagar, Bhilai, Police Station Vaishali Nagar,
Bhilai, District Durg (C.G.).

---- Applicant**Versus**

State Of Chhattisgarh through Station House Officer, Police of
Police Station Mahila Thana Bhilai, District Durg Chhattisgarh

---- Non-Applicant

For Applicant : Shri Tarendra Kumar Jha, Adv.
For State/Non-Applicant : Shri Sameer Oraon, Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****29-10-2021**

1. The applicant has preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 93/2021 registered at Police Station Mahila Thana, Bhilai, Distt. Durg (CG) for the offence punishable under Section 498-A and 34 of the Indian Penal Code.

2. Brief facts of the case are that marriage of complainant Smt. Sweta Jain and the applicant was solemnized on 19-4-2017. They have been blessed with a female child also. After marriage when she lived for about 2 months in her matrimonial home, then her father-in-law and mother-in-law used to torture her with regard to less dowry/ money received in marriage. Thereafter, when she was living in Hyderabad at the work place of her husband, then also, her husband and his parents used to torture her physically and mentally for demand of Rs. 20 lacs from her parents and ousted her from her matrimonial home. Even when she delivered a girl child, then also, the applicant and his family members did not attend any ceremony, rather, scolded her due to birth of girl child. On written complaint filed by the complainant on 7-9-2021, FIR under Section 498-A, 34 of the

IPC was registered in Mahila Thana, Durg against the applicant and his father and mother.

3. Counsel for the applicant submitted that report lodged by the complainant was false and baseless because complainant herself does not want to live with the applicant, otherwise, applicant's behavior and cooperation was good with the complainant even in Hyderabad. Even in Hyderabad, he opened a restaurant for her income and also used to give money in her bank account. Even amount of Rs. 2,35,000/- deposited in the bank account of complainant was invested in mutual fund with her consent, which has now been grown upto about Rs. 5 lacs. He next submitted that complainant herself had left the company of the applicant, therefore, on 26-2-2020, he had filed an application under Section 9 of the Hindu Marriage Act in the Court of Principal Judge, Family Court, Durg, thereafter, counseling was also made between them, despite that, the applicant did not restore her matrimonial life. After that, she filed FIR against the applicant and his parents on 7-9-2021. He further submitted that parents of the applicant have already been granted anticipatory bail by the Court below. Hence, looking to the aforesaid facts, applicant may be granted anticipatory bail.

4. On the contrary, learned State counsel opposing the application for grant of anticipatory bail submitted that looking to the allegation against the applicant regarding demand of dowry, benefit of anticipatory bail may not be given to the applicant.

5. I have heard learned counsel for both the parties, sequence of events i.e. complainant is living in her parental home from 26-12-2019, filing of application under Section 9 of the Hindu Marriage Act by the husband in the Family Court on 26-2-2020, counseling and also considering other documents filed by the applicant, I am inclined to give benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory 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 bail by the officer arresting him on executing a personal bond in a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the officer

arresting him or the concerned investigating officer. The applicant shall also abide by the following conditions:-

- (i) that he shall make himself available for interrogation before the 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 the case so as to dissuade him/her from disclosing such facts to the Court or 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 the trial;
- (v) that in case of change of address he will inform new address to investigating agency.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)

JUDGE