

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1244 of 2021**

Yogendra Kumar Sahu S/o Ramkumar Sahu, Aged About 40 Years, R/o Ward No. 09, Village and Post Dongergarh, P.S. and Tahsil Dongergarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through The Station House Officer, Police of Police Station Mahila Thana Durg, District Durg Chhattisgarh.

---- Non-applicant

For Applicant : Shri Shashank Thakur, Advocate

For Non-applicant/State : Shri Sudhir Sahu, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****06.10.2021**

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.89 of 2021, registered at Police Station Mahila Thana, Durg, District Durg (C.G.), for offence punishable under Section 498-A/34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, on 05.09.2021, complainant-wife lodged a written report to concerned Police Station making allegations that after some time of marriage, applicant-husband and her in-laws started ill-treating and harassing her. The applicant-husband is in Government employment and working as driver, but he has not kept complainant-wife along with him in his place of work and left her in

his native place along with her in-laws. In the native place, she was being given ill-treatment and harassment by her in-laws. Based on written report, aforementioned crime was registered against the applicant and her in-laws.

3. Shri Shashank Thakur, learned counsel for the applicant would submit that complainant got married with applicant on 06.05.2015. After marriage, both of them resided together, but later on, looking to old age of his parents, complainant was left in her native house along with parents to take care of them. The main grievance of the complainant is only that she was not being kept in the company of applicant at his place of work. The allegation of ill-treatment, harassment and demand of dowry is false, frivolous. Looking to the dispute raised by complainant, applicant has moved an application before the District Sahu Sangh, which was considered and notices were issued to respective parties on 27.06.2021. In pursuance to the notice, meeting was held on 10.07.2021, where complainant was advised to continue with her marital life with applicant, to which, she has not followed and thereafter, applicant has filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights on 26.07.2021. The application under Section 9 was registered on same day and notices were issued to complainant, upon which, she put her appearance along with her counsel on 23.08.2021. During the course of counseling, dispute between parties could not resolved and it was placed before the Court for settlement. He submits that in the proceedings dated 16.09.2021, Court after hearing the parties,

recorded that there are chances of compromise between the parties. He submits that report was lodged by complainant only after her appearance in proceedings under Section 9 of the Hindu Marriage Act. In view of the proceedings recorded by the Family Court, applicant may be enlarged on anticipatory bail.

4. Per contra, Shri Sudhir Sahu, 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 not keeping the complainant by his company at his place of work along with other allegations, hence, applicant is not entitled for the benefit under Section 438 of Cr.P.C.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, submissions made by learned counsel for the parties; further considering the fact that from wedlock of applicant and complainant, they have blessed with a girl child, applicant is Government employee, dispute is with regard to not keeping the complainant by applicant at his place of work and proceedings recorded by Family Court, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
7. 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