

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No. 1271 of 2021

Harmeet Singh Makin Tanay S/o Late Surendra Singh Makin, Aged About 36 Years Occupation - Shopkeeper, R/o Ward No. 17, Katni Road, Chopda Colony, Maihar, District - Satna (M.P.).

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station - Kusmunda, District - Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Tripathi, Advocate.
For State	: Mr. Vaibhav Singh, PL.
For Objector	: Mr. Punit Ruparel, Advocate.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

07/10/2021

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.382/2021 registered at Police Station - Kusmunda, District – Korba, (CG), for the offence punishable under Sections 498-A, 506/34 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that on 14.02.17 complainant got married with applicant. After marriage, she started residing in her matrimonial house. But after couple of months of marriage, applicant and his family members have started ill-treating, harassing and assaulting complainant by levelling allegation on her character. She is forced to do entire household work like servant. They have made demand of Rs.9 lakhs for purchase of plots and for business of applicant. On 27.11.20, applicant tried to strangulate complainant which made her to leave matrimonial house. Thereafter written report was lodged on 03.07.21 based upon which, aforementioned crime is registered against applicant.

3. Learned counsel for the applicant submits that allegation of ill-treatment, harassment and assault on account of demand of dowry is absolutely false and baseless. There is some trivial dispute between applicant and complainant which is root of lodging of FIR against applicant and his family members. Applicant is ready to keep complainant and his child aged about 3 years for which he also moved an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. After registration of case, notice was issued to complainant but she refused to accept the notice. If applicant is not being enlarged on bail, difference between the parties may extend. Hence, he may be enlarged on anticipatory bail.
4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that as per written complaint and report complainant left her matrimonial house after physical assault upon her by applicant when applicant tried to strangulate her. Hence, he is not entitled for grant of anticipatory bail.
5. Learned counsel for the Objector submits that submissions made by learned counsel for the applicant that applicant wants to keep complainant in his company is absolutely false. When Counseling Authority send notice to applicant for appearance before counseling proceeding, neither applicant nor his family members appeared in counseling proceeding. However, on putting a specific query with regard to result of counseling proceeding and submission made by complainant before Counseling Authority, he submits that in proceeding complainant has shown her intention to live with applicant, if he, keeps her properly with honour.
6. Heard learned counsel for the parties.

7. Considering the entire facts and circumstances of the case, nature of allegations, period of marriage, intention shown by complainant in counseling proceeding that she will reside with applicant on certain condition, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
8. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :
- (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-