

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 1289 of 2021**

- Yagyawalk Puri Goswami S/o Lt. Sh. Gaiind Puri Goswami Aged About 38 Years R/o Village Ghatkarra, Post - Pond, P/S Panduka, District Gariyaband, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O. P/s Mahila Thana, District Raipur (Chhattisgarh)

---- Respondent

For Applicant : Shri Vinay Nagdev, Advocate
 For respondent/State : Shri Sudhir Sahu, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****18.11.2021.**

1. The applicant has preferred this bail application under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the CrPC') for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.64/2021 registered at Police Station Mahila Thana, Raipur (CG) for the offence punishable under Section 498A, 506, 34 of the Indian Penal Code.

2. Brief facts of the case are that marriage of the applicant with the complainant was solemnized in the year 2012 and they have blessed with a son, now aged about 6 years. As per the written complaint filed by the complainant, after some time of the marriage till lodging of present FIR dated 07.9.2021, the applicant used to torture the complainant physically and mentally on various grounds including demand of dowry and unconsented

abortion. On the basis of the written complaint filed by her, present crime has been registered against the applicant and other family members of the applicant.

3. Learned counsel for the applicant submits that the applicant has not committed any ill treatment or cruelty with the complainant. Actual fact is that earlier the applicant and the complainant were residing at Raipur where the applicant was doing his medical practice, but at the time of lockdown, he returned to his village but the complainant remained to stay at Raipur itself. On account of financial exigencies, the applicant asked his wife/complainant to leave Raipur and to stay with him at his village. But she refused to do so and also abused and threatened him to implicate in a false case. Therefore, the applicant has lodged report at Police Station Pandula Distt. Gariyaband in this regard, but they did not take any action and gave information under Section 155 CrPC. Thereafter the complainant filed present FIR against the applicant and his family members. He would next submit that family members of the applicant have been granted anticipatory bail by the Special Judge (Atrocities), Raipur. Present case is totally false and concocted one and that too after 9 years of marriage, hence, the applicant may be enlarged on anticipatory bail.

4. On the other hand, learned counsel for the State vehemently opposes the application for grant of anticipatory bail

submitting that the case is under investigation, therefore, application for grant of anticipatory bail is liable to be dismissed.

5. I have heard learned counsel for both parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of allegation, specially taking into consideration the period of marriage before the registration of crime, I feel inclined to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed and it is ordered that in the event of arrest of the applicant in connection with aforesaid offence, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond or Rs.25,000/- with one surety of the like sum to the satisfaction of the officer arresting him. The applicant shall also abide by the following conditions:-

(i) that he shall make himself available for interrogation before the investigation 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:

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE

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