

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1637 of 2020**

- Himanshu Dhyani S/o Shri Suresh Dhyani, Aged About 28 Years Residing At D.D.U. Nagar, P.S. Deen Dayal Upadhyaya Nagar, Raipur, Tehsil Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Mahila Thana, District Raipur Chhattisgarh

---- Non-Applicant

For Applicant : Shri Kashif Shakeel, Advocate
For Non-Applicant : Shri Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****28/01/2021 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.61/2020, registered at Police Station Mahila Thana, Raipur District Raipur for offences punishable under Sections 498-A & 506/34 of the IPC.
2. The applicant was married with the complainant on 22.9.2017 whereafter they were residing together at Tatibandh, Raipur. It is alleged that the applicant had demanded Rs.1 crore, saying that she should immediately pay Rs.50 lakhs failing which he threatened to end their relationship and assaulted the complainant. It is further alleged in the written complaint that the applicant was involved in unnatural sex and causing mental torture. The applicant would always comment that he would have got huge dowry if he would have married some

other girl and that the applicant used to cause mental and physical torture at regular intervals.

3. Learned counsel for the applicant would submit that the applicant and the complainant were working in the same establishment and developed an affair which culminated into marriage without any dowry. According to learned counsel, the complainant took away gold ornaments of his mother promising to return the same with new design and during her stay at Raipur, she gave some medicines to her father-in-law. The applicant's father therefore lodged a complaint at PS Baniyather, District Sambhal, (UP) vide Annexure-A/6, therefore, as a counterblast the present FIR has been lodged on 25.6.2020.
4. Having heard learned counsel for the parties and on perusal of the case diary, it appears, both the parties are Government servants and had performed love marriage. There may be a dispute between them, but as per the FIR, she went back to her parental house in March, 2020 and lodged a complaint on 25.6.2020. It is not a case that she lodged the FIR immediately on her return to her parental house.
5. The applicant being a Government servant, he may attract suspension from his service in the event he is arrested and detained for more than 48 hours. It is also seen that on arrest of the husband, chances for settlement in marital dispute drastically reduces. Therefore, considering all relevant aspects of the matter, I am inclined to release the applicant on anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police

officer as and when required;

(iii) 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.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve