

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.1334 of 2021**

- Sashikant Modi, S/o Late Bishwanath Modi, aged about 39 years, R/o Gandhi High School Road, Jhumritalaiya, P.S. Koderma, Tahsil & Dist. Koderma (Jharkhand) [Vishwanath Modi wrongly mentioned in Annex. A/1,A/2 in order sheet]

---- Applicant**Versus**

- State of Chhattisgarh, through Officer-in-charge, Mahila Thana Raipur, District Raipur (CG)

---- Non-applicant

For Applicant	:	Mr. Vivek K Agrawal, Advocate
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****9/12/2021**

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.52/2021 registered at Mahila Thana, Raipur (CG) for commission of offence punishable under Sections 498A, 34 & 506 of IPC.
2. Case of prosecution is that applicant got married with complainant on 17.1.2011 and from their wedlock, they were blessed with one son, who is now more than eight years of age. After some time of marriage, applicant and his mother started ill-treating and harassing complainant for demand of dowry. Lastly on 18.10.2020 complainant was ill-treated, harassed and assaulted by applicant, upon which complainant with the help of her relatives, returned to Raipur from Noida on 19.10.2020. Thereafter report was lodged on 1.1.2021, based upon which aforementioned crime is registered against applicant and his mother.
3. Mr. Vivek K Agrawal, learned counsel for applicant would submit that after marriage, complainant could not be able to adjust herself in her matrimonial home. She does not want to keep applicant's mother with her, which is main cause of dispute between complainant and applicant. Even in the year

2015 complainant left her matrimonial home and only after settlement between them on account of intervention of their relatives, she came back to house of applicant and resided with them for some time. Applicant kept complainant properly upto his best. After some time, complainant again started pressurizing applicant for residing separately and when applicant did not succumb to her pressure, she went back to Raipur on 19.10.2020. Allegation of ill-treatment, harassment or assault by applicant for demand of dowry is absolutely false. Applicant is working in a private company, out of wedlock of applicant and complainant, they are blessed with a son who is presently more than eight years of age. Applicant wants to live along with his wife and child. Looking to period of marital relationship as also age of their son, applicant may be extended benefit of anticipatory bail under Section 438 of CrPC.

4. Per contra, Mr. Vaibhav Singh, learned Panel Lawyer for the State opposes the submissions of learned counsel for applicant and submits that specific allegations of ill-treatment, harassment and assault on 18.10.2020 for demand of dowry have been levelled in complaint by complainant against applicant and his mother. Version of applicant is supported by statement of her brother and Saurabh Dubey, relative of complainant, hence applicant is not entitled for benefit of anticipatory bail under Section 438 of CrPC.
5. I have heard learned counsel for the parties.
6. Having regard to facts and circumstances of case; nature of allegations; period of marital relationship between applicant and complainant; the fact that they are having a son aged about 8 years, without commenting anything on merits of case, I am inclined to extend benefit of anticipatory bail to applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with crime in question, he shall be released on anticipatory

bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of Arresting Officer. Applicant shall also abide by following conditions:

- (i) that he shall make himself available for interrogation before 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 case so as to dissuade him/her from disclosing such facts to Court or to 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 trial Court on each and every date given to him by said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-