

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 9 of 2021**

- Chintamani Yadav S/o Rameshwar Yadav Aged About 24 Years
R/o Village Talgaon, Police Station Kapu, Tahsil Dharamjaigarh,
District Raigarh Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer Police
Kapu, District Raigarh Chhattisgarh

---- Respondent

For Applicant
For Respondent/State
For Complainant

Mr. Manoj Kumar Jaiswal, Advocate
Ms. Akshara Amit, Panel Lawyer
Mr. Kaushal Yadav, Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****2/3/2021**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.97/2020 registered at Police Station Kapu, District Raigarh (CG) for the offence punishable under Section 498(A) of the IPC.
3. The applicant was married with the complainant on 4.4.2020.

As per the complaint lodged on 22.11.2020, the applicant used to demand dowry and commit physical and mental cruelty by saying that he will abort the pregnancy of his wife. It is also alleged that when the complainant was to undergo sonographic examination, the applicant refused to accompany her.

4. Learned counsel for the State as well as learned counsel for the Complainant would oppose the prayer for grant of bail.
5. Mr. Kaushal Yadav, learned counsel for the complainant would submit that if the applicant is released on anticipatory bail, he will not come forward for settlement of the dispute.
6. Having seen the material available in the case diary, it appears, there is no specific allegation of demand of cash or any articles. The other allegations are of normal wear and tear of marital life.
7. I am not convinced with the submission of learned counsel for the complainant that in the event of anticipatory bail, there would be no chance of settlement. Commonly, it is believed that if the husband or his family members are sent behind the bars, the chance of settlement gets diminished. Therefore, the apprehension of the complainant to the contrary is not convincing.
8. Considering the entire facts situation of the case, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
9. 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 furnishing 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 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 for 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/-

(Prashant Kumar Mishra)

Judge

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