

# Rohan Sharma vs The State Of Madhya Pradesh on 24 August, 2024

**Author: Sanjeev S Kalgaonkar**

**Bench: Sanjeev S Kalgaonkar**

NEUTRAL CITATION NO. 2024:MPHC-IND:24481

1

MC

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE  
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR  
ON THE 24th OF AUGUST, 2024  
MISC. CRIMINAL CASE No. 30987 of 2024  
ROHAN SHARMA  
Versus  
THE STATE OF MADHYA PRADESH

Appearance:

Shri Shantanu Sharma, learned counsel for the applicant  
Shri Rajesh Joshi, learned Govt. Advocate for the respondent  
Shri Piyush Goyal and Shri Anurag Parashar, learned co-respondent [OBJ].

## ORDER

This first application has been filed by applicant under Section 482/438 of the Bharatiya Nagrik Suraksha Sanhita, 2023(BNSS) for grant of anticipatory bail, who is apprehending his arrest in connection with Crime/Complaint No.120 of 2024 registered at Police Station Mahila Thana, District Indore for offence punishable under Sections 85, 115, 296, 351(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 and Section 3 and 4 of Dowry Prohibition Act, 1961.

As per the case of prosecution, the prosecutrix submitted a written complainant inter alia alleging physical and mental harassment with regard to demand of dowry against her husband Krishna Mohan Sharma, father-in-law Harishankar, mother-in-law Rajani and brother-in-law(jeth) Rohan NEUTRAL CITATION NO. 2024:MPHC-IND:24481 2 MCRC-30987-2024 Sharma(applicant). It is stated in the complaint that the prosecutrix was married to Krishna Mohan Sharma on 18.02.2018. Ten days after the marriage, her husband, father-in-law, mother-in-law and brother-in-law started harassing her over petty matters. Her mother-in-law used to harass her for inadequate dowry. Her father-in-law also used to misbehave with her. When she went to United States on 13.03.2018 to reside with her husband, she felt inappropriate behaviour of her husband. Her husband used to consume non-vegetarian food. Her brother-in-law (jeth) used to call her husband and tell him inappropriate things about her. Her husband used to mandhandle her. When she confronted her

husband with regard to messages and photographs of other girls in his Mobile, her husband assaulted her with press table. She sustained injuries. Her husband started demanding Rs.25 Lakhs. In October, 2023, she returned to India. She was residing at her parental home. Her mother-in-law and father-in-law started harassing her again. Her husband returned to Ghaziabad, on 02.04.2024. He created a new ID on Jeevansathi.com When she went to Ghaziabad her husband threatened to commit suicide. Therefore, she returned to Indore. Her husband, father-in-law, mother-in-law and brother-in-law(jeth) have harassed her mentally. On such allegations, PS Mahila Thana, Indore registered FIR at Crime No.120/2024 for offence punishable under Sections 85, 115, 296, 351(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 and Section 3 and 4 of Dowry Prohibition Act, 1961. Statement of complainant and her relatives have been recorded. The investigation is underway. Applicant is apprehending arrest in the matter.

NEUTRAL CITATION NO. 2024:MPHC-IND:24481 3 MCRC-30987-2024 Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that present applicant has been falsely implicated in the matter merely for the reason that he is elder brother of Krishna Mohan Sharma, husband of the complainant. There is matrimonial discord between the husband and wife. All the family members have been implicated on false allegation of harassment. Learned counsel contends that the only allegation against the applicant relates to calling husband of the complainant while they were staying in United States. No offence as alleged is made out against the applicant. Learned counsel further submits that applicant is a Professor and resident of Patiala, Punjab. He never resided with the family of the complainant in Ghaziabad or in United States. He has a family to look after. There is no likelihood of his absconsion leaving his family, home and profession. No criminal antecedents is reported against the applicant. No custodial interrogation of applicant is needed in the matter. There is no likelihood to tampering of evidence or interference in investigation by the applicant. The applicant is ready to cooperate in the investigation. Therefore, applicant may be extended benefit of anticipatory bail.

Per contra, learned Counsel for the State abili assisted by learned counsel for the complainant opposes the anticipatory bail application on the ground of gravity of alleged offence and prays for its rejection. Learned counsel contends that the applicant has committed cruelty by mentally harassing the complainant. All the accused are absconding therefore the applicant may not be extended the benefit of anticipatory bail.

NEUTRAL CITATION NO. 2024:MPHC-IND:24481 4 MCRC-30987-2024 Heard learned counsel for the parties and perused the case diary. Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this Court is inclined to grant anticipatory bail to the applicant. Thus, the application is allowed.

Accordingly, it is directed that in the event of arrest of applicant shall be released on bail in relation to Complaint/Crime No.120/2024 for offence punishable under Sections 85, 115, 296, 351(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 and Section 3 and 4 of Dowry Prohibition Act, 1961 upon furnishing a personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) with one surety of like amount to the satisfaction of the Officer making arrest/Trial Court, for compliance with the following conditions:

(For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-

(1) Applicant shall make himself available for investigation as may be directed by the concerned Court.

(1) vUos"k.kdrkZ iqfyl vf/kdkjh ds funsZ'kkuqlkj vUos"k.k gsrq vkosnd miyC/k jgsxhA (2) Applicant shall not commit or get involved in any offence of similar nature;

(2) vkosnd leku izd`fr dk dksbZ vijk/k ugha djsxk ;k mlesa lfEefyr ugha gksxhA (3) 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 them/him/her from disclosing such facts to the Court or to the police officer;

(3) vkosnd izdj.k ds rF;ksa ls ifjfr fdllh O;fDr dks izR;{k ;k vizR;{k :i ls izyksHku] /kedh ;k opu ugha nsxh] ftlls ,slk O;fDr ,sls rF;ksa dks U;k;ky; ;k iqfyl vf/kdkjh dks izdV djus ls fuokfjr gksA (4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;

(4) vkosnd izR;{k ;k vizR;{k :i ls lk{; ds lkFk NsMNkM djus dk ;k lk{kh ;k lkf{k;ksa dks cgykus&Qqlykus] ncko Mkyus ;k /kedkus dk iz;kl ugha djsxhA (5) During trial, the applicant shall ensure due compliance of NEUTRAL CITATION NO. 2024:MPHC-IND:24481

5 MCRC-30987-2024 provisions of Section 309 of Cr.P.C/346 of the BNSS. regarding examination of witnesses in attendance;

(5) fopkj.k ds nkSjku] mifLFkr xokgksa ls ijh{k.k ds laca/k esa vkosnd /kkjk 309 na-iz-la- @ 346 Hkkjrh; ukxfjd lqj{kk lafgrk ds izko/kkuksa dk mfpr vuqikyu lqfuf'pr djsxhA This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

(SANJEEV S KALGAONKAR) JUDGE pn