

Bhagwan Singh vs State Of Chhattisgarh on 24 January, 2022

Author: Parth Prateem Sahu

Bench: Parth Prateem Sahu

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1379 of 2021

1. Bhagwan Singh S/o Chandrashekhar Singh Caste Gond Aged About 35 Years
 2. Smt. Ramkunwar Wd/o Chandrashekhar Singh, Caste Gond Aged About 60 Years
- Both R/o Village Jhabar, Police Station And Tahsil Pendra, District Gourela-Pendra-Marwahi Chhattisgarh. ----- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pendra, District Gourela-Pendra-Marwahi Chhattisgarh ----- Respondent

For Applicants

: Shri Achyut Tiwari, Advocate

For Respondent/State

: Shri Smriti Shrivastava, PL

Hon'ble Shri Justice Parth Prateem Sahu Order on Board (Proceeding through Video Conferencing)
24.01.2022

1. Applicants have preferred this application under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 196 of 2021 registered at Police Station-Pendra, District- Gourela- Pendra Marwahi Chhattisgarh for commission of offense punishable under Sections 498A and 34 of the IPC.

2. Case of prosecution, in brief, is that, complainant got married with applicant-1 in the year 2014. Applicants and other co-accused persons, from initial days of marriage, were ill-treating and harassing complainant on account of demand of Rs.6,00,000/- as dowry. Somehow, she managed to live in her matrimonial home, but on 07.12.2021, she was ousted from her matrimonial home by applicants. She came back to her parents' house and thereafter, complaint was lodged with concerned Police Station. Complaint was forwarded for Counselling of parties but as no settlement can be arrived between the Mcrca 1379 of 2021 parties, FIR was registered on 14.08.2021 against applicants and two other co- accused persons.

3. Anticipatory bail application filed by applicants before the Court below was rejected by impugned order.

4. Shri Achyut Tiwari, learned counsel for the applicants would submit that absolutely false and baseless allegations of ill-treatment and harassment on account of demand of dowry have been

levelled by complainant against applicants and other accused persons. It is the complainant who used to quarrel on trivial issues with family members in her matrimonial home. Complainant is mounting pressure on her husband to live separately from her in-laws. He further submits that applicant-1 (husband) is only son of his mother (widow) and therefore, he refused to fulfil demand of complainant to reside separately. Then she lodged false report against applicants. He submits that from wedlock of applicant-1 and complainant, they were blessed with one girl child aged about 4-5 years. There is every likelihood of settlement between the parties, looking to nature of allegation levelled by complainant in FIR. Hence, applicants may be enlarged on anticipatory bail.

5. On the other hand, Ms Smriti Shrivastava, learned State counsel opposing submissions of learned counsel for applicant submits that from the initial days of marriage of complainant, applicants are ill-treating and harassing her on account of demand of dowry of Rs.6,00,000/- as it is appearing from complaint lodged by complainant. She further submits that after lodging complainant, it was forwarded to counselling authority. But even after several dates, no settlement has been arrived between the parties. Only thereafter, FIR is registered against applicants and other co-accused persons. However, Mcrca 1379 of 2021 upon asking, learned State counsel read over complainant's statement recorded under Section 161 CrPC and would submit that there is demand of Rs.6,00,000/-. However, there is no mention of specific date of demand of dowry. She was ousted from house of applicants hence, they are not entitled for anticipatory bail.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of case, nature of allegations against applicants as appearing from contents of FIR as read over by learned State counsel and further, submission of counsel for applicants that applicant-1 and complainant blessed with a girl child, who is now aged about 4-5 years, residing with complainant, applicant-1 is ready to continue matrimonial relationship with complainant, without commenting anything on merits of case, I find present to be a fit case to grant anticipatory bail to applicants.

8. Accordingly, bail application is allowed and it is directed that in the event of arrest of applicants in connection with crime in question, they shall be released on anticipatory bail by the Officer arresting them on their executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each with one surety in the like sum to the satisfaction of the concerned Arresting Officer. Applicants shall also abide by following conditions:

- a) That applicants shall make themselves available for interrogation before Investigating Officer as and when required;
- b) That applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade them from disclosing such facts to the Court or any Police Officer;

Mcrca 1379 of 2021

c) That applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

d) That applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of trial. Certified copy as per rules.

Sd/-

(Parth Prateem Sahu) JUDGE padma