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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 149 of 2021

Sanju Soni S/o Reshamlal Soni Aged About 33 Years R/o Ward No. 13, Tikripara, Shivrinarayan, District Janjgir Champa, At Present R/o Kelo Vihar, Chakradhar Nagar, Raigarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Police Station Shivrinarayan, District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pawan Kesharwani, Advocate.
For Respondent/State	: Mr. Ravish Verma, G.A.
For Objector	: Mr. Vikas Kumar Pandey, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24.05.2021

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No.182/2020, registered at Police Station: Shivrinarayan, District: Janjgir-Champa (C.G.) for the offence punishable under Section 498-A & 34 of IPC.
3. In this case, the Applicant herein is the husband of the complainant. Their marriage solemnized on 04.02.2018. According to the case of prosecution, on 11.09.2019, a written complainant has been lodged by the complainant alleging therein that after her marriage the Applicant along with other family members tortured her on account of demand of dowry, by the result, she was subjected to cruelty by them. On the basis of her report offence has been registered.



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4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and is falsely implicated in the present case due to some dispute with the complainant. He submits that the complainant was suffering from the disease namely PCOD due to which she could not get pregnant that is why the Applicant moved an application under Section 156 (3) of Cr.P.C and also moved a petition for separation on 19.03.2019 thereafter, the complainant lodged false and fabricated report against the present Applicant. Learned counsel further submits that the Applicant is a Government Servant working on the post of Lecturer at Raigarh, he has no previous antecedents therefore, Prima Facie no case is made out against the present Applicant under Section 498-A of IPC. Therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.

6. I have heard learned Counsel for the parties.

7. Considering the facts and circumstances of the case, after going through the contents of FIR, other material annexed with the case diary and also considering the fact that FIR has been lodged by the complainant after a petition moved by the Applicant against the complainant. Further considering the fact that only general allegations have been made against the Applicant, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.

8. Accordingly, the anticipatory bail application is allowed.

9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;



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- II. The accused/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 him/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge

Saurabh

