

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 564 of 2021**

- Ramkrishna Gupta S/o Aniruddh Gupta Aged About 39 Years R/o Ganga Nagar, Sector No. 2, In Front Of Mahaveer Apartment, Tahsil And District- Bilaspur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station-Sirgitti, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant
For Respondent /State
For Objector

Mr. Sudhir Verma, Advocate
Mr. Sudeep Agarwal, Dy. AG
Mr. Yatharth Singh, Advocate

Proceedings through Video Conferencing**SB.: Hon'ble Mr. Prashant Kumar Mishra, Ag. CJ****Order On Board****7/7/2021**

1. Heard.
2. This is 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.102/2021 registered at Police Station Sirgitti, District Bilaspur (CG) for the offence punishable under Sections 498-A, 323/34 of the IPC.



3. The applicant was married with complainant Anamika on 7.5.2019. She stayed in her matrimonial house for about 2 months and left the house on 7.7.2019. The applicant lodged the FIR on 1.3.2021 alleging that at about 11:00 p.m. on 27.2.2021, the complainant and her father visited his house and assaulted him and his younger sister. The applicant filed divorce proceedings on 2.3.2021. According to learned counsel for the applicants, the present complaint for demand of dowry in form of cash amount of Rs.5 lakhs has been lodged as the counter blast to the FIR and the divorce proceedings initiated by the applicant.

4. Per contra, learned counsel for the Objector submits that the applicant did not attend the counselling and threatened the complainant of dire consequences. He would submit that considering the conduct of the applicant, he is not entitled to be released on anticipatory bail.

5. Learned counsel for the State would also oppose the bail application.

6. Considering that there is considerable delay in lodging the FIR and the applicant has filed the divorce proceedings prior to the lodging of the FIR by the complainant as also for the fact that the offences are triable by the Judicial Magistrate First Class, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. 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)

Acting Chief Justice

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