

HIGH COURT OF MADHYA PRADESH, JABALPUR

M.Cr.C. No.22880/2020

21.8.2020

Heard through Video Conferencing

Mr. Surendra Patel, learned counsel for the applicant.

Mr. Utkarsh Agrawal, learned Panel Lawyer for the respondent-State.

Mr. Paritosh Trivedi, learned counsel for the objector.

This application under Section 438 of the Code of Criminal Procedure 1973 has been filed for grant of anticipatory bail to applicant **Roopanshudatt Rai** who is apprehending his arrest in connection with Crime No.181/2020 registered at Police Station Shahpura, district Dindori, for the offences punishable under sections 294, 498-A and 34 IPC and sections 3 and 4 of the Dowry Prohibition Act.

The applicant is the husband. The wife stays separately from the husband and she has filed the FIR on 19.6.2020. The allegations in the said FIR that the applicant abuses the complainant, demands gold chain of five tolas and is asking for the land which is in the name of her father to be transferred, locks the victim in the room and when she asks for medical aid, he does not provide her and that allegations of unnatural sex and harassment for sex is also given in the said FIR.

Learned counsel for the applicant submits that the FIR is pursuant to a complaint that he made before the Police Station Karanjiya, district Dindori, that his in-laws have taken away his wife and are not allowing her to come and join his society. The said complaint was made on 8.6.2020 i.e. on a date preceding the registration of the FIR.

Learned counsel for the applicant also submits that he has preferred an application under section 9 of the Hindu Marriage Act for restitution of conjugal rights after the registration of the FIR as he could not do it before on account of the lock down due to COVID-19.

Learned counsel for the objector/complainant has objected to the grant of anticipatory bail being given in view of the allegations levelled against the applicant in the FIR which, according to him, are grave and serious.

Looking to the facts and circumstances of the case, I find that the allegations are very trivial and can happen in any matrimonial home.

Marriages would always experience some friction or the other. There are no signs of injuries on the body of the complainant as per the MLC that has been conducted. This court is also of the opinion that if the applicant goes to jail, the marriage would almost surely come to an end as thereafter there would be hardly any chances of compromise. However, as the allegations reveal that they are trivial in nature, a window of compromise or settlement is always kept open.

Under the circumstances, in view of what has been stated herein above, I direct that in the event of the arrest of the applicant, he be released on anticipatory bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the Police Officer competent to arrest him, subject to the conditions enumerated in Section 438(2) of the Code of Criminal Procedure 1973.

Certified copy as per rules.

**(Atul Sreedharan)
Judge**

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