

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1138 of 2015

Kameshwar Kothari S/o Loknath Kothari Aged About 26 Years R/o House No. 896, Road - 3 C, Ashish Nagar, East Risali, Bhilai, Tahsil & Distt. Durg, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, P.S. Nevai, Distt. Durg, Chhattisgarh.

---- Respondent

For applicant – Shri Purnendra Khichariya, Advocate.
For Respondent/State – Shri Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

20/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.224 of 2015, registered at Police Station Nevai, District Durg (C.G.) for offence punishable under Section 498-A of IPC.
2. According to the case of prosecution complaint was filed by wife of the applicant that she was subjected to cruelty for demand of dowry. She was married to the applicant in 2014 and thereafter she was further treated with all cruelty, thereby offence has been committed.
3. Learned counsel for the applicant submits that because of petty differences report has been made and during conciliation proceeding this fact can be established that actually no demand of dowry was made only wife alleged that she was not made nominee in the service book and there has been much interference in the joint family and she do not want to stay in the joint family.
4. Learned State counsel opposes the prayer for grant of bail.

5. I have gone through the documents in the case diary as also documents filed in the conciliation wherein wife have alleged petty differences and has complained about restrictions of the joint family. Taking into account documents of the conciliation and also the case diary general allegation of dowry is made and taking into account statement of the wife in the conciliation proceeding, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the 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) that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

