

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1256 of 2015

Khublal Sahu S/o Narottam Sahu, Aged About 31 Years R/o Murra
Bhatta, Arya Nagar, Kohka, Bhilai, P.S. Supela, Civil & Revenue
Distt. Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police
Station- Supela, District- Durg, Chhattisgarh

---- Respondent

For applicant – Shri Shrawan Agrawal, Advocate.
For Respondent/State – Miss. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

18/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.927 of 2015, registered at Police Station Supela, Civil and Revenue District Durg (C.G.) for offence punishable under Section 498-A/34 of Indian Penal Code and Section 3, 4 of Dowry Prohibition Act.
2. According to the case of prosecution a report was lodged by one Rukhmani Sahu against the applicant that she was subjected to torture for demand of dowry by the applicant and their family members. According to the report marriage was solemnized on 16/04/2012 and out of the wedlock a child was also born. After 15 days of the marriage the complainant was subjected to torture for demand of dowry. It is also alleged that amount of 6 to 7 lakhs was demanded to construct a house and at different point of time she was subjected to different torture and ill treatment and she was forced to leave her house in the month of June, 2014.
3. Learned counsel for the applicant submits that there has been trivial dispute arose in between the applicant and the complainant as the applicant was not having job and there has been conciliation proceeding

with the wife wherein no allegation of demand of dowry was made. He further submits that complainant has served a notice on 10/08/2015 and demanded back Rs.6,20,000/- which was given to them which was replied by the applicant on 1/09/2015. Thereafter, the FIR was made on 1/11/2015. He further submits that if the applicant is arrested, chances of conciliation shall also come to an end, therefore applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have perused the case diary and the report made by the complainant. Also perused the notices which were exchanged, between the parties. Perusal of the notice and the report would show that some amount was given for construction of house which the applicant contended that they will return it, however it was not returned. Subsequently, with lapse of time some dispute arose between the parties i.e. husband and the wife. Taking into account contents of the notice and the nature of allegations, 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