

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1058 /2015

Dr. Mahavir Agrawal, S/o. Mamanchand Agrawal, Aged About 32 Years,
R/o. Saraipali, P.S. Saraipali, Civil & Revenue Distt. Mahsamund
(Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Saraipali, Distt. Mahasamund
(Chhattisgarh)

---- Respondent

For Applicant : Mr. V.C.Ottalwar, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

For Objector : Ms. Samishti Solomon, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/12/2015

1. Apprehending arrest in connection with Crime No.217/2015 registered at Police Station- Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 498(A)/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the complainant Dipti Agrawal was married to the applicant Mahavir Agrawal and thereafter after marriage she was subjected to torture and cruelty for demand of dowry.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as even after the marriage out of the wedlock a child was born, which would go to show that she was not subjected to torture. He further submits that in the earlier bail application also this fact is recorded that the allegations were attributed to the other co-accused which has not been named

and even the applicant was not a party to such proceeding and therefore taking into the allegations made, he may be enlarged on bail.

4. Per contra, learned State counsel and learned counsel for the Objector opposes the anticipatory bail application and they would submit that while considering the bail to the other co-accused in M.Cr.C.A. No.576/2015, it was specifically considered by the co-ordinate Bench of this Court that the allegations are against other accused and the present applicant stepped into the shoes of other accused and consequently he being the husband, he is not entitled for anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Having regard to the fact that the co-ordinate Bench of this Court while granting anticipatory bail to the other accused has specifically observed that the primary allegations are against the other accused and necessarily it appears that the present applicant being the other accused will stepped into such shoes and therefore considering the documents and case diary, I am not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge