

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1109 of 2015

Dhananjay Agrawal S/o Shri Ramesh Agrawal Aged About 31 Years
R/o Gulmohar Colony Raigarh, P.S. Chakradhar Nagar Raigarh Tehsil
And District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer (S.H.O.)
Chakradhar Nagar Police Station Raigarh District Raigarh
Chhattisgarh.

---- Respondent

For applicant – Shri S.N. Nande, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.276 of 2015, registered at Police Station Chakradhar Nagar, Raigarh for offence punishable under Section 498 (A), 323, 506 of IPC.
2. According to the case of prosecution applicant along with other co-accused persons soon after the marriage have started torturing wife Sunita Agrawal and was subjected to assault. Thereby, offence was committed.
3. Learned counsel for the applicant submits that immediately after the marriage the wife actually behaved abnormally with her husband and she remained in his house only for few days. He further submits that in similar set of allegations mother-in-law, father-in-law and the family members

have been enlarged on anticipatory bail in M.Cr.C. (A) No.966 of 2015 and submits that since similar allegation stands against this applicant, he may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the bail and submits that in view of the statement made by the villagers and the other witness, victim was harassed and cruelty was meted out, since investigation is going on, therefore applicant may not be given benefit of anticipatory bail.

5. I have gone through the statement of the victim Sunita Agrawal and other witness wherein conjoint allegation have been made against the applicant and other co-accused i.e. mother-in-law, father-in-law including husband. Considering the fact that on the similar allegation other co-accused have been enlarged on bail by coordinate bench of this court in M.Cr.C. (A) No.966 of 2015 and also considering the facts of this case and the nature of offence, 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