

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1261 of 2015

1. Ravikant Nopani, S/o. Budhkaran Nopani, aged about 48 years, R/o. A-403 Pooja Apartment, Kranti Nagar, Bilaspur, Tahsil and District – Bilaspur, P.S. - Tarbahar, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, P.S. - Tarbahar, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/12/2015

1. Apprehending arrest in connection with Crime No.271/2015 registered at Police Station- Tarbahar, District – Bilaspur (C.G.), for offence punishable under Section 498-A, 304-B, 34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the deceased Sapna Agrawal was married to Milan Agrawal on 24.05.2015, thereafter, after joining matrimonial house, she was subjected to cruelty for demand of dowry. Subsequently for this reason, she left the house on 03.08.2015 and ultimately she set herself ablaze on 10.09.2015. As per the prosecution, a meeting was held on 05.08.2015 in the house of Manju, mother-in-law of the deceased and the applicant is the brother of the Manju and maternal-father-in-law (Mamasasur) of the deceased, therefore, the allegations have been attributed against this applicant.

3. Learned counsel for the applicant would submit that the applicant is maternal-father-in-law (Mamasasur) of the deceased and was residing separately and only he attended the meeting held on 05.08.2015. He would further submit that general allegations have been attributed to this applicant and therefore, the applicant, who was residing separately was in distance relation and therefore, taking in to the general allegation, the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the bail application.
5. I have perused the case diary, statement of the father and dying declaration of the deceased, Sapna Agrawal. On reading of the statement, allegations have been attributed to the other persons and direct allegations have not been made against this applicant, however, in the statement of the father, general allegations have been made. Considering the statement of dying declaration, this Court is inclined to extend the 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 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) that 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

Balram