

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 918 of 2015

Manish Yadav S/o Shatruhan Yadav Aged About 30 Years R/o Deendayal Upadhyay Nagar, Sector - 02, L. I. G. - 1, Quarter No. 289, Post Office & Police Station - Deendayal Upadhyay Nagar, Raipur, Tahsil & District - Raipur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : The Station House Officer, Police Station - Deendayal Upadhyay Nagar, Raipur, District - Raipur (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate.
For Respondent /State	:	Shri Manish Nigam, Panel Lawyer.

Order On Board

22/09/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.143/2015 registered at police station – Deendayal Upadhyay Nagar, District-Raipur (C.G.) for alleged commission of offence under Section 498(A)/34 of IPC and 4 of Dowry Prohibition Act.
2. Case of the prosecution is that the applicant harassed and subjected to cruelty his wife/ the complainant on demands of cash amount of Rs.60,000/-.
3. Learned counsel for the applicant submits that the main operative reason for dispute between the husband and wife is that the wife wants to reside separately from the in-laws, which is reflected in the conciliation proceedings and the statement of the complainant recorded in the Police Paramarsh Kendra, Durg on 20.07.2015. He submits that after the compromise recorded on 20.07.2015, there is no allegation of any subsequent act and the FIR has been registered only on earlier incidents in respect of which there is already conciliation proceedings drawn.

4. On the other hand, learned counsel for the State opposes prayer and submits that as per the allegation contained in the report that the applicant was harassing the complainant and at that time, she was beaten up also.

5. Taking into consideration the submission of learned counsel for the parties, the contents of the agreement dated 20.07.2015 recorded in police paramarsh kendra, Durg and that there is no allegation of any cruelty after 20.07.2015 nor is there any medical examination report showing any kind of injury on the complainant, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;

(ii) that he 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 from disclosing such facts to the Court or to any Police Officer.

(iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that he 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/-

Manindra Mohan Shrivastava

J U D G E