

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 51 of 2016

- Praveen Chandrakar S/o Dharamraj Chandrakar Aged About 30 Years, R/o Gram Bodtara Khurd, Police Station Pandatarai, District Kabirdham Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through The Station House Officer, Police Station Civil Lines, District Bilaspur Chhattisgarh. -- **Respondent**

For the applicant	:	Mr. Pravin Das, Advocate.
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.02.2016

1. Apprehending arrest in connection with Crime No.713 of 2015 registered at Police Station Civil Lines, Bilaspur (C.G) for the offences punishable under section 498-A/34 IPC and Sections 3 & 4 of Dowry Prohibition Act, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, complainant Supriya was married to applicant on 08.05.2014. Thereafter, she joined the matrimonial home where she was subjected to torture for demand of dowry. She also went to the place of husband at Delhi where he was working at Delhi, however, she was subjected to assault and torture for demand of dowry and perforce she has to come back. Initially the demand was for the fact that less amount of cash was given during the marriage and later the complainant was also asked to purchase a plot, therefore, the report was made for the aforesaid alleged

offences.

3. Learned counsel for the applicant submits that the complainant herself left the company of the applicant for which he has filed an application on 25.06.2015 u/s 9 of Hindu Marriage Act for restitution of conjugal rights vide Annexure A-2 and while the proceeding was pending a report was made by the complainant on 01.07.2015 inculcating all the family members of the applicant. It is further submitted that on 25.08.2015 complainant also appeared before the Family Court, however, she did not disclose any fact and an application was preferred u/s 24 for permanent alimony. It is stated that when the applicant came to know that the report has been made by the wife against all family members, the applicant preferred the application to withdraw the petition for restitution of conjugal rights which is placed on record. He further submit that all other co-accused against whom general allegations have been made have been enlarged on bail, therefore, this applicant may also be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statements as also the report dated 10.11.2015 filed by the complainant wherein it appears that general allegations have been attributed and it was stated that a car was demanded by the applicant. Along-with case diary, copy of conciliation proceedings has also been attached. Perusal of the conciliation proceeding prima facie shows that no such allegations were made during conciliation proceedings. It appears that there has been some difference between the applicant and the complainant as certain messages were disclosed in the mobile.
6. Considering the totality of such facts and circumstances of the

case and the degree of allegations levelled against the applicant, and after perusal of the documents and statements available in case diary as also the documents filed along-with bail application, I am inclined to enlarge the applicant on anticipatory bail.

7. Accordingly, the 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 his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer.

The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating 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/her from disclosing such facts to the Court or 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE