

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 54 /2016

Shankarlal Jangde, S/o. Fekuram, Aged About 41 Years, Occupation- Government Employee, Sikhsha Karmi Grade-1, Government Higher Secondary School Bhothia, Tah. Jaijaipur, Distt. Janjgir Champa, R/o. Village Baradwar Basti, P.S. Baradwar, Distt. Janjgir Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through S.H.O., P.S. Baradwar, Distt. Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. V.C.Ottalwar with Mr. Ishwar Jaiswal, Advocates.

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/02/2016

1. Apprehending arrest in connection with Crime No.06/2016 registered at Police Station- Baradwar, District Janjgir-Champa (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. As per the prosecution story, in brief, the complainant was married to Manmohan on 04.05.2015 and subsequently she was subjected to torture for demand of dowry of Cooler and Freeze and the husband left the complainant on 11.05.2015. It is contended that after one day of marriage, the applicant along-with other co-

accused abused the complainant that in dowry the motorcycle was not given. Thereafter, the report is made.

3. Learned counsel for the applicant submits that the applicant resides separately and he has been falsely implicated in this case being the elder brother of Manmohan, the husband of the complainant. He further submits that due to some dispute between the complainant and her husband Manmohan, the report has been made and no allegations have been attributed against this applicant, therefore, he may be enlarged on anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the report and the statement of the complainant, which shows that general allegations are attributed against this applicant, therefore, taking into such nature of general allegation and the fact that the applicant is residing separately, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C to the applicant.
6. Accordingly, the anticipatory bail application is allowed.
7. 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 furnishing a personal bond to a 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

Ashok