

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 128 of 2016

- Girish Chandrakar, S/o Dharamraj Chandrakar (wrongly mentioned as Dharam Das in impugned order) Aged About 32 Years, R/o Gram Bodtakhurd, 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. Krishna Kr.Dewangan, Advocate.
For the Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.02.2016

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 one Praveen Chandrakar 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 on the ground that less dowry has been paid during marriage and later the complainant was also

asked to purchase a plot, therefore, the report was made against the husband and in-laws for the aforesaid alleged offences.

3. Learned counsel for the applicant submits that similarly placed co-accused Praveen Chandrakar who is the husband has already been enlarged on anticipatory bail by this Court by order dated 10.02.2016 passed in MCRCA No.51 of 2016 and this applicant is brother-in-law against whom only general allegations have been attributed, therefore, this applicant may also be enlarged on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail. However, he do not dispute the fact that similarly placed co-accused Praveen Chandrakar has been enlarged on bail by this Court.
5. Taking into fact that general allegations have been attributed to this applicant as also considering the fact that similarly placed co-accused Praveen Chandrakar who is husband has been enlarged on bail by this Court in MCRCA No.51/2016, I am inclined to extend the benefit of provisions of section 438 of Cr.P.C., to this applicant also.
6. 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

Rao