

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 177 of 2016

1. Jitendra Singh Rathore, aged about 45 years, S/o. Indar Singh Rathor, R/o. 55 Sakti Nagar, Opposite A.P.M.C. Market Yogeswar Nagar Road, P.S. Vejalpur, Ahemedabad (Gujrat)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer (S.H.O.), Police Station Women Police Station, Raipur (C.G.)

---- Respondent

For Applicant : Mr. S.N. Nande, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/03/2016

1. Apprehending arrest in connection with Crime No.37/2015 registered at Police Station- Women Police Station, Raipur, District – Raigarh (C.G.), for offence punishable under Section 498(A), 506/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the complainant, Sangeeta was married to Ranjeet Singh on 23.11.2008 and thereafter, she joined her matrimonial home at Bilseri, Rajasthan. Subsequently, after two years i.e. in the year 2010, she came back to Raipur and the husband also started residing thereafter, the husband went back and it is the case of the prosecution after a day of the marriage i.e. on 24.11.2008, the applicant alongwith father-in-law of the complainant demanded money for dowry.
3. Learned counsel for the applicant would submit that the marriage was of the year 2008, thereafter, the complainant resided at Rajasthan and came back to Raipur alongwith her husband and the husband at some time went back, however, the wife refused to join,

therefore, an application under Section 9 for restitution of conjugal rights was also filed, which was allowed at Rajasthan, however, the wife did not joined. He further submits that the applicant is the resident of Ahmadabad and false implication has been made against this applicant and he is not in contact with the applicant. Therefore, the counsel prays that, the applicant may be extended the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of bail.
5. Perused the case diary, the statement and the documents. Admittedly an application under Section 9 of the Hindu Marriage Act was allowed which was filed by the husband at Rajasthan. Subsequently, a report has been made on 24.08.2015. Taking into the general allegation made in the report and the fact that the applicant is prima-facie appears to be resident of Ahmadabad, 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