

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 179 of 2016

1. Laxmikant Tiwari, S/o. Shri Aditya Tiwari, aged about 32 years, R/o. Deen Dayal Colony, Mangla, P.S. Civil Lines, Bilaspur, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station : Civil Line, Bilaspur, Civil and Revenue District - Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Sunil Otvani, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/03/2016

1. Apprehending arrest in connection with Crime No.781/2015 registered at Police Station- Civil Lines, Bilaspur, District – Bilaspur (C.G.), for offence punishable under Section 498(A) R/w. Section 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant was married to Smt. Sudha @ Babita on 29.05.2015 and thereafter, she was subjected to torture on various counts alongwith demand of dowry by the applicant and other family members. Consequently, a report was made on 02.12.2015.
3. Learned counsel for the applicant referred to the conciliation proceedings and submits that the applicant was ready to take her wife back. He further submits that the complainant left the matrimonial home in the month of February, 2015 and the report has been lodged in the month of December, 2015 against the applicant and other family members. He would further submit that the applicant has been falsely implicated and till date the applicant

is ready to settle the marriage. 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 and the report of the proceedings of the reconciliation. Taking into the proceeding of the conciliation and the document, general allegations are made against this applicant and the nature of the allegation made it appears that the applicant has also levelled allegation that he was subjected to physical assault and sustained fracture in his hand. Taking into the statement and the documents, 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