

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 363 of 2016**

Bhupendra Tiwari, S/o Kuber Tiwari, aged about 38 years, R/o Shri Vihar Colony, P.S. Sarkanka, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through P.S. Sarkanka, District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Smt. Renu Kochar, Advocate.
For the Respondent / State	:	Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****21/04/2016**

1. This application under Section 438 of Cr.P.C has been filed by the Applicant apprehending arrest in connection with Crime No. 671 of 2015 registered at Police Station Sarkanda, District Bilaspur, Chhattisgarh for the offence punishable under Sections 498 A/34 of the Indian Penal Code.
2. As per the prosecution case, a report was lodged by Smt. Ganga Tiwari, wife of the Applicant that the Applicant and his family members were subjecting her with cruelty physically and mentally for demand of dowry. She was married to the Applicant on 10.3.2015.
3. Learned counsel for the Applicant submits that the complainant herself never wanted to join the matrimonial house as she was not satisfied with the marriage, consequently, it led to dispute. It is stated that on her own will, she left the matrimonial house. It is submitted that the matter was sent for conciliation also, but during conciliation the allegation of demand of dowry was never raised. Learned counsel for the Applicant further submits that the complainant had stayed alongwith the Applicant only for nine days and as

the Applicant was disabled after his accident, the complainant never wanted to live alongwith the Applicant and she left the matrimonial house. Therefore, it is prayed that the Applicant may be granted bail under Section 438 of the Cr.P.C.

4. On the other hand, Learned State counsel opposes the prayer for grant of bail.

5. Perused the report and statement of the complainant and the report of the conciliation proceedings. In the report general allegations have been made and it is stated that the complainant when wanted to leave the house of the Applicant, it is objected by the Applicant and the family members. In the conciliation also no allegations of demand of dowry appears to have been made and the allegations were made that the Applicant is disabled.

6. Considering the facts and circumstances of the case and the documents, I am inclined to extend benefit of anticipatory bail to the Applicant.

7. 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 local 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) 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