

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 282 of 2016

Tumesh Mandal S/o Shambunath Mandal Aged About 25 Years R/o Samta Colony, Behind Union Bank, Thana Azad Chowk, Raipur, Tahsil And District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station Incharge, Police Station Azad Chowk, Raipur Chhattisgarh.

---- Respondent

For applicant – Shri Arvind Shrivastava, Advocate.
For Respondent/State –Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

30/03/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 27/2016 registered at Police Station Azad Chowk, Raipur (C.G.) for offence punishable under 498-A of Indian Penal Code.
2. As per the prosecution case, a complaint was made by Indu Mandal that she was married to this applicant on 3/07/2014 and thereafter she was subjected to torture for demand of dowry by the applicant husband and the other co-accused.
3. Learned counsel for the applicant submits that general allegations have been made against this applicant and in the conciliation proceeding when were drawn no such allegation of demand of dowry or torture have been levelled. He further submits that case under Section 13 (b) of Hindu Marriage Act for mutual divorce have been filed wherein also allegation of such cruelty are missing, therefore applicant may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary, conciliation proceedings and the statement of the complainant wherein general allegations have been levelled. Taking into totality of the facts and circumstances, I am inclined to extend 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 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