

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 335 /2016

Bhupesh Kumar Soni, S/o. Omprakash Soni, Aged About 37 Years, R/o. Atul Niwas, Ekta Nagar, Bhilai-3, Tahsil Patan, Police Station & Post Bhilai- 3, Civil & Revenue District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Bhilai- 3, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate
For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/04/2016

1. Apprehending arrest in connection with Crime No.82 of 2016 registered at Police Station- Bhilai-3, District Durg (C.G.) for the offence punishable under Section 498-A, 323 of Indian Penal Code and Section 3 & 4 of Dowry Prohibition Act, 1961, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the applicant was married to the complainant Saraswati on 17.06.2012 and out of the wedlock a child was born. It is alleged that the complainant was subjected to torture for demand of dowry and was assaulted in between the period of 02.02.2016 to 03.02.2016 and thereafter the report was made.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated as after the report was made, conciliation proceedings were carried out, which is filed under the RTI wherein she has stated that she was being taunted by mother-in-law and sister-in-law and therefore it resulted into dispute and no allegations

have been attributed against this applicant; therefore, he may be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement and the conciliation proceedings wherein it is recorded that the complainant was being taunted by mother-in-law and sister-in-law and the husband used to support them, which resulted into dispute. Taking into consideration the statement and the allegation leveled against this applicant, I am inclined to enlarge the applicant on anticipatory bail.
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 furnishing a personal bond to a 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