

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 419 of 2016

1. Ritesh Agarwal, aged about 30 years, S/o. Late Ramkishore Agarwal, R/o. Maruti Enclave, 33/B, Tatibandh, Police Station – Amanaka, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Amanaka, Raipur, District- Raipur (C.G.)

---- Respondent

For Applicant : Ms. K. Tripti Rao, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/05/2016

1. Apprehending arrest in connection with Crime No.261/2015 registered at Police Station- Amanaka, District – Raipur (C.G.), for offence punishable under Section 498A and 34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the wife against the applicant and other family members that she was married to the applicant on 28.05.2015 and thereafter, she was subjected to cruelty and forcefully assaulted and thereafter, demand of dowry was also made. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that just after the marriage i.e. on the next day, the wife had left the matrimonial home and despite all efforts, she did not join the family, which would be evident from the conciliation proceeding. It is further submitted that the applicant has also filed an application for restitution of conjugal rights instead the wife has filed an application

under Section 10 of Hindu Marriage Act for dissolution of marriage. She further submits that false averments have been made as the complainant had not stayed along-with the applicant for more than 7 days. 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 anticipatory bail.
5. Perused the case diary, statement as also the conciliation proceeding. The document would show that initially the husband made a report to the police on 02.09.2015 and thereafter a conciliation also took place. Conciliation proceeding do not disclose any allegation of demand of dowry. Further considering the fact that the applicant has also filed a petition for restitution of conjugal rights and considering the decree of allegation levelled against the applicant, 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 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