

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 758 of 2016**

Moolchand Dewangan S/o Late Bisnaram, Aged About 28 Years,
R/o Village Barhapur, Police Station Dhamdha, District Durg
Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station Dhamdha, District
Durg Chhattisgarh

---- Respondent

For applicant – Shri Siddharth Rathod, Advocate.

For Respondent/State – Ms. Sunita Jain, PL.

For Objector – Shri Praveen Dhurandhar, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order****26/08/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 201/2016 registered at Police Station Dhamdha, District Durg (C.G.) for offence punishable under Sections 498-A, 34 of Indian Penal Code.
2. As per the prosecution case, a report was made by Sakshi Dewangan (Saraswati Dewangan) on 21/06/2016 that she was subjected to torture for demand of dowry and she was also manhandled. Thereby, it resulted into termination of the pregnancy. It is alleged that alongwith other demand, Rs.2 lakhs, car and gas was also demanded. Thereby, offence is committed.
3. Learned counsel for the applicant submits that there are two reports in the case one is on 11/05/2016 wherein no allegation of demand of dowry has been made. Subsequently, after counselling she joined the matrimonial home and thereafter report has been made wherein allegation

of demand of dowry has been levelled, therefore the applicant has been falsely implicated in the case. He further submits that the applicant has filed an application for restitution of conjugal rights and if he is arrested, then entire effort of restitution of conjugal rights will come to an end, therefore the applicant may be enlarged on bail.

4. Learned State counsel and counsel for the objector opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the statement. Case diary would show that initial report was made on 11/05/2016 wherein no allegation of demand of dowry was made. Subsequently, another report was made. Perused the conciliation proceeding also. Taking into totality and nature of allegations, 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