

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 477 /2016

Devendra Kumar Sharma, S/o. Late Badri Prasad Sharma, Aged About 29 Years, R/o. Village- Gaindpur, Post- Gochhiya, Police Station - Kawardha, Distt. Kabirdham, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station - Kawardha, Distt. Kabirdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate.
For Respondent : Ms. Sunita Jain, Panel Lawyer
For Objector : Mr. Arvind Kumar Dubey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/08/2016

1. Apprehending arrest in connection with Crime No.132/2016 registered at Police Station- Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 498-A, 34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made on 04.04.2016 that the applicant and the other co-accused after marriage has subjected the complainant for demand of dowry; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence, infact the dispute started at the time of delivery of the child as the applicant could not take care of his wife, as such, the difference started. It is further submitted as alleged the applicant has never questioned the paternity of the child and accepts the paternity and only on the trivial issue the parties have entered into the dispute. He further submits that if the

applicant is arrested then the entire chances of conciliation come to an end, therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of anticipatory bail. Learned counsel for the Objector would submit that initially the applicant has raised doubt over the paternity of the child alongwith the other facts.
5. Perused the case diary, statement as also the conciliation proceeding. It has been stated that the applicant do not dispute the paternity of the child, as such, considering such statement and taking into conciliation proceeding and nature of allegation, I am inclined to release 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

Ashok