

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1301 of 2015

Mitesh Kumar Sao S/o Pramod Kumar Sao Aged About 30 Years R/o
M.I.G. Minakshi Nagar Borsi Road, Durg, Tahsil & Distt. Durg,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Mahila Thana, Durg,
Tahsil & Distt. Durg, Chhattisgarh.

---- Respondent

For applicant – Shri A.N. Pandey, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/01/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.18 of 2015, registered at Police Station Mahila Thana Durg Distt Durg (C.G.) for offence punishable under Section 498 (A)/34 of Indian Penal Code and U/s 4 of Dowry Prohibition Act.
2. According to the case of prosecution applicant was married with the complainant Indu Sahu on 24/01/2015 and subsequently complainant was subjected to cruelty for demand of dowry as such she left the house on 20/08/2015 and report was made.
3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case and in fact complainant did not like the applicant and for which counselling was also affected wherein complainant refused to go along with the applicant. He submits that applicant has also filed application for restitution of conjugal rights which is pending and therefore considering the fact that applicant has been falsely implicated in this case, he may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory

bail.

5. I have perused the case diary and the proceeding of the conciliation. In conciliations allegation of demand of dowry has not been alleged and only trivial dispute have focused which is also supported by the statement of the complainant. Taking into account statement and the proceeding of conciliation, 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

