

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1370 of 2015

1. Bhagwat Singh, S/o. Bhawar Singh, aged about 30 years, Occupation-Govt. Servant, R/o. Village-Kawalajhar, Tahsil-Dabhara, District – Janjgir-Champa, Civil and Revenue District – Janjgir-Champa (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Thana - Dabhara, District – Janjgir-Champa (C.G.)

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/02/2016

1. Apprehending arrest in connection with Crime No.257/2015 registered at Police Station- Dabhara, District – Janjgir-Champa (C.G.), for offence punishable under Section 498(A)/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made by the complainant, Sandhu @ Sandhya that she was married to Bhagwat Singh in the year 2010 and after marriage, she was subjected to cruelty for demand of dowry of motor cycle and Gas stove by the applicant alongwith other co-accused. Hence the offence has been registered.
3. Learned counsel for the applicant would submit that the applicant has filed an application under Section 9 of Restitution of Conjugal Rights. The counsel further referred to the bank receipts and submit that the applicant from time to time is continuously sending the money and the false averments of demand of motor cycle and gas

stove was made against the applicant. He would further submit that considering the trivial demands, false allegation can be ascertained. He would further submit that the complainant has already preferred a petition under the Domestic Violence Act. The counsel further submits that considering the allegation made, no case is made out against the applicant, therefore, the counsel prays that, the applicant may be extended the benefit of anticipatory bail.

4. Learned State counsel opposes the bail application.
5. Perused the statement of the complainant. Perusal of the statement shows that general allegation have been attributed against the applicant and out of the wedlock, a child was born and it is alleged that welfare of the complainant was not being taken care of. Taking into the totality of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
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