

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 56 of 2016

- Vinod S/o Manohar Adwani Aged About 30 Years (Now 33 Years) R/o Kashyap Colony, Bilaspur, Police Station City Kotwali, Civil & Rev. Distt. Bilaspur, Chhattisgarh.

--- **Petitioner**

Versus

- State of Chhattisgarh Through The Police Station City Kotwali, Bilaspur, District Bilaspur, Chhattisgarh.

--- **Respondent**

For the applicant	:	Mr. S.C. Verma, Advocate.
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.
For the Objector	:	Smt. Meena Shastri, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.02.2016

1. Apprehending arrest in connection with Crime No. 186/2013 registered at Police Station City Kotwali, Bilaspur, Distt. Bilaspur (C.G) for the offences punishable under Section 304-B/34 facultative 302/34 IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Soumya Advani was married to Rakesh Adwani on 22.04.2012 and she committed suicide on 10.06.2013. The complaint was made by Radha Kishan, father of deceased that the deceased was subjected to torture for demand of dowry, consequently she committed suicide within 7 years of marriage and the allegations were attributed against the husband and his other 5 brothers.
3. Learned counsel for the applicant submits that in the year 2009 this applicant being brother of husband of deceased

was ousted by his father from the family wherein deceased Soumya Advani joined her matrimonial home and the paper publication was already made and the applicant has no business to know as to what was happening in the family of his brother wherein Soumya Advani committed suicide. He further submits that the allegations are general in nature, therefore, taking into fact that the applicant was residing separately having separate business, may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel as also counsel for the objector vehemently oppose the same and submit that the applicant was declared absconding since 05.09.2103 and the charge sheet was filed against one person Rakesh Adwani and he has been convicted u/s 304-B/34 IPC and sentenced to undergo R.I., for 10 years by order dated 11.12.2014 passed by IVth Addl. Sessions Judge in Sessions Trial No.173/2013 and further the application for suspension of sentence has also been dismissed.
5. Perused the case diary and statements of witnesses.
6. The applicant has been declared absconding from 2013.
7. Taking into primary allegation against this applicant that he is absconding from 2013, it is not a case where the provisions of section 438 Cr.P.C., can be extended u/s 438 Cr.P.C., for grant of anticipatory bail. Accordingly, this application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**