

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 336 of 2016

1. Firoz Khan, S/o. Late Gulmir Khan, aged about 30 years,
 2. Afroz Khan, S/o. Gulmir Khan, aged about 26 years,
- Both R/o. 227, Ward No.03, Patel Colony, Dallirajhara, District-Balod (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Mahila Thana, Durg District – Durg (C.G.)

---- Respondent

For Applicants	: Mr. Shikhar Sharma, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/04/2016

1. Apprehending arrest in connection with Crime No.04/2016 registered at Police Station- Mahila Thana - Durg, District – Durg (C.G.), for offence punishable under Section 498(A) of the Indian Penal Code and Section 4 of Dowry Prohibition Act, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was lodged by the complainant, Safdar Yazada Khan that she was married to the applicant No.1 Firoz Khan on 25.12.2013 and before that they were engaged on 28.08.2013 and after engagement, the applicant No.1 many a times called the complainant and asked to give dowry according to their status as he was working as software engineer. Subsequently, marriage was performed and after the marriage, the complainant was subjected to torture.
3. Learned counsel for the applicants would submit that because of some misunderstanding, the report has been made and the

applicant No.1 is still wanted to keep his wife and he is residing at Hyderabad, therefore, all the allegations of torture and cruelty have wrongly been attributed. Therefore, the applicants may be extended the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of bail.
5. Perused the case diary as also the statement and document of conciliation. Perusal of the statement and the documents shows that general allegations have been made with respect to the demand of dowry. Taking into the statement and the documents, this Court is inclined to extend the benefit of anticipatory bail to the applicants as the custodial interrogation of the applicants may not 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 applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge