

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 776 of 2016**

- Santosh Gond S/O Baliram Gond Aged About 32 Years R/O Near Baikunthdham Temple, Camp 2, Bhilai, Thana Chawni, Tehsil Durg, Civil & Revenue District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chawani, Bhilai, Revenue & Civil District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Punit Ruperal, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****12-08-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 318 of 2016 registered at Police Station Chawni, Bhilai, District Durg (CG) for offence punishable under Sections 498(A) read with Section 34 of the IPC and Section 4 of the Dowry Prohibition Act.
2. As per prosecution case, the applicant was married to complainant Sarita Devi on 25-4-2012 and thereafter she was subjected to torture for demand of dowry. Eventually, a report was made on 23-5-2016 against the applicant.
3. Learned counsel appearing for the applicant would submit that the applicant and his wife could not go along, therefore, false report has been made against the applicant. He would further submit that initially complainant made a report on 3-9-

2015 (Annexure A/2) against the applicant wherein no allegations of demand of dowry were made and he has been falsely implicated in the case, therefore, the applicant may be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail,.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the statement of victim Sarita Devi and also the report dated 18-5-2016 wherein it is stated that the dispute arose because she was not able to bear the child.
7. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the report (Annexure A/2) and also the statement of victim, I am inclined to extend benefit of anticipatory bail to the applicant.
8. Accordingly, the application filed under Section 438 of the Cr.P.C. for grant of anticipatory bail 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 his executing a personal bond in the 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

Raju