

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 46 /2016

1. Devendra Chandrakar, S/o. Shri Laxman Singh Chandrakar, Aged About 32 Years, R/o. Village & Post Kachandur, Tahsil Gunderdehi, Civil & Revenue Distt. Balod, Chhattisgarh.
2. Gopendra Chandrakar, S/o. Shri Ganeshram Chandrakar, Aged About 30 Years, R/o. Village & Post Kurud, Tahsil Kurud, Civil & Revenue Distt. Dhamtari, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station Gunderdehi, District Balod, Chhattisgarh.

---- Respondent

For Applicants : Mr. B.P.Singh, Advocate.

For Respondent : Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/02/2016

1. Apprehending arrest in connection with Crime No.438/2015 registered at Police Station- Gunderdehi, District Balod (C.G.) for the offence punishable under Section 498-A/34 of Indian Penal Code and Section 4 of Dowry Prohibition Act, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, the complainant Rinky Chandrakar was married to the applicant No.1 Devendra Chandrakar on 12.05.2015 and thereafter she was subjected to torture by the husband Devendra Chandrakar and the applicant No.2 Gopendra Chandrakar, cousin brother of the applicant No.1 for demand of Rs.5 Lakhs and Pleasure Motorbike. Therefore, a report was made on 18.06.2015.

3. Learned counsel for the applicants submits that the applicant No.1 was posted as Teacher at Manpur and he was not able to take his wife there and subsequently when he wanted to take her, she refused to go. He further submits that the case was filed by the parties before the family Court wherein the parties agreed to settle their dispute. He relied on the order sheet of the family Court dated 11.12.2016 and submits that the applicants may be enlarged on bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary, report and the documents of the conciliation proceedings as also the certified copy of the order of the family Court wherein it is recorded that there is a chances of settlement of the dispute. Taking into the allegations which are general in nature and the proceedings of conciliation and further taking into the degree of allegation, I am inclined to enlarge the applicants on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed.
7. 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 furnishing a personal bond to a 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