

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 130 of 2016

Sudeep Vishwas, son of Late S.P. Vishwas, aged about 35 years,
resident of LIG-2/155, Chhattisgarh Grih Nirman Mandal, 32 acres Plot,
Industrial Area, Police Station Jamul, Tahsil and District Durg (C.G).

Applicant

Vs.

State of Chhattisgarh, through Police station Jamul, District Durg (C.G),
... **Respondent**

For the applicant	:	Mr. H.B. Agrawal, Sr. Advocate with Mr. Pankaj Agrawal, Advocate
For the Respondent	:	Mr Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.02.2016

1. Apprehending arrest in connection with Crime No.42/2016 registered at Police Station Jamul, District Durg (C.G) for the offences punishable under section 498(A)/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, on 19.01.2016 a report was made by the complainant Shefali Vishwas that she was married to applicant on 11.05.2013 and out of the wedlock a child was born and after the marriage, she was subjected to torture for demand of dowry and she was pressurized to bring Rs. 5 lakhs by way of dowry and ultimately she was evicted from the matrimonial house on 23.3.2015 and thereafter she started living in her maternal home, therefore, the offence is committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and there is inordinate delay in lodging

the FIR as the incident is said to have happened on 23.3.2015 and the report was lodged on 19.01.2016. He further submits that no demand of dowry in the like nature was made and in fact the complainant wanted the applicant to live separately from his mother and sisters and on refusal of her proposal, false allegations have been made against him and in-laws, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and documents of conciliation. Perusal of the conciliation proceedings shows that the applicant wanted to keep his wife along-with him and she wanted to live separately along-with the applicant and she does not want to live in matrimonial home, therefore, she has left the matrimonial home.
6. Taking into allegations levelled against the applicant which are general in nature and considering the statements of witnesses and the conciliation proceedings, I am inclined to extend the benefit of section 438 Cr.P.C., to the applicant.
7. Accordingly, the 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 his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer.

The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 any police officer;

- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao