

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 227 /2016

Fanendra Kumar Jaiswal, S/o. Shri Shankar Lal Jaiswal, Aged About 32 Years, Caste- Kalar, R/o. Sukli P.S. Bilaigarh, Tehsil Kasdol, District Balodabazar, Chhattisgarh. Current R/o. Bazar Chowk Danganiya P.S. Dindayal Upadhyaye Nagar, Distt. Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Baradwar, District Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Sourabh Dangi, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/03/2016

1. Apprehending arrest in connection with Crime No.19/2016 registered at Police Station- Baradwar, District Janjgir-Champa (C.G.) for the offence punishable under Section 498-A/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the complainant Poonam Jaiswal was married to the applicant on 01.04.2012, thereafter, out of the wedlock a child was born. Subsequently, she was subjected to cruelty for demand of dowry of Car & cash, therefore, the report was made on 11.01.2016.
3. Learned counsel for the applicant submits that because of the trivial issues the applicant and his wife landed into the dispute and therefore false allegation has been made which would be evident from the conciliation proceedings and no such allegation was attributed against the applicant. He further submits that the

applicant was ready to take back of his wife but the complainant/ wife refused to go with the applicant, therefore, taking into the general allegations, he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the report, statement and the documents of the conciliation proceeding. Taking into the allegation made and the fact that the applicant was married with the complainant in 2012 and the report was first time made in 2016 and out of the wedlock, a child was born and further considering the totality of the case, I am inclined to release the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed.
7. 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 furnishing a personal bond to a sum of Rs.25,000/- with one 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) that 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