

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 471 of 2016

1. Gurmeet Singh, aged about 38 (33) years, S/o. Surendra Singh, R/o. House No.40-41, L.I.G., Housing Board Colony, Industrial Area, Bhilai, P.S. Jamul, Tahsil and District-Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Jamul, Through : District-Magistrate – Durg, District-Durg (C.G.)

---- Respondent

For Applicant	: Mr. P.K.C. Tiwari, Sr. Advocate with Mr. Shashi Bhushan Tiwari, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt Advocate.
For Objector	: Mr. Ajay Thakre, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/05/2016

1. Apprehending arrest in connection with Crime No.589/2015 registered at Police Station- Jamul, District – Durg (C.G.), for offence punishable under Section 498A/34, 406 and 377 of I.P.C. read with Section 4 of Dowry Prohibition Act, the applicant has preferred this second bail application for grant of anticipatory bail. The first bail application filed under Section 438 of Cr.P.C. for grant of temporary bail was dismissed on 14.01.2016.
2. Learned counsel for the applicant submits that earlier bail application was dismissed on 14.01.2016, thereafter, the applicant surrendered on 01.02.2016 and the trial Court after evaluating the entire evidence has granted him regular bail.
3. As per the prosecution case, the complainant, Prabhjot Kaur filed a written complaint before the police station on 16.10.2015 alleging that demand of dowry and harassment against the present applicant and his mother and sister.

4. Learned counsel for applicant submits that the applicant was married to the complainant on 26.12.2010 and earlier to that marriage, Prabhjot Kaur was married to one Harmanmeet Singh on 05.12.2002 and without taking any divorce by suppressing the fact, she performed marriage with the applicant and when it was came to the notice, the dispute arose and it came to the notice, when the applicant received notice under Section 494 read with Section 34 of I.P.C. It is further submitted that thereafter, the applicant have filed a case for declaration of the marriage to be null and void under Section 11 read with Section 5 (1) of the Hindu Marriage Act and after the rejection of the bail on 14.01.2016, the applicant surrendered before the Court on 01.02.2015 and the learned trial Court after evaluating the entire evidence and the statement has granted him regular bail, thereafter the applicant has not jumped the bail or tried to tamper with the evidence or influence the investigation, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
5. Per contra, the learned State counsel as well as counsel for the objector opposes the prayer for grant of anticipatory bail.
6. Perused the documents and the case diary. Perusal of the documents would show that after rejection of first anticipatory bail application, the applicant had surrendered before the Court on 01.02.2016 wherein he was enlarged on regular bail under Section 498A, 406, 34 of I.P.C. read with Section 4 of Dowry Prohibition Act. After the applicant was released on regular bail by the Court below, addition of charges is made under Section 377 of I.P.C. Taking into the fact that the applicant has not tampered with evidence or tried to influence the witness and further taking into the circumstances of the case, the applicant was already bailed out by

the Court below on 01.02.2016 and thereafter, addition of Section 377 of I.P.C. is being made at the time of filing of the challan, I deem it appropriate to extend benefit of anticipatory bail to the applicant as the custodial interrogation of the applicant may not be required in this case.

7. Accordingly, the anticipatory bail 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 executing a personal bond in 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