

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 588 /2016

Sandeep Kumar, S/o. Ramlal Sahu, Aged About 24 Years, Occupation - Constable, Posted at Kawardha, R/o. Village - Dilapahri, Thana - Lalbag, Tahsil / Distt. Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station - Lalbag, Revenue / Civil Distt. Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Samir Singh, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/08/2016

1. Apprehending arrest in connection with Crime No.64/2016 registered at Police Station- Lalbag, District Rajnandgaon (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 applicant was married to one Anjali Sahu on 30.01.2015 and after marriage, it is stated that she was subjected to torture for demand of dowry and an amount of Rs.1 Lac and motorcycle was demanded; thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and no demand has been made. He further submits that the complainant has left the house and as such an application under Section 9 of Hindu Marriage Act for restitution of conjugal right was filed and considering the nature of allegation, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement of the victim/ complainant Anjali Sahu and other witness. Considering the nature of allegation leveled which appears to be general in nature and taking into the conciliation proceedings, I am inclined to release the applicant on anticipatory bail.
6. 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 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