

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 728 of 2016

1. Yogesh Kumar Hirwani, S/o. Late Punit Ram Hirwani, aged about 41 years, R/o. Village- Surdung, Ward No.18, P.S. - Bhilai – 03 District – Durg, Civil and Revenue District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : P.S. - Bhilai -03, District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. A.K. Prasad, Advocate
For Respondent/State	: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/08/2016

1. Apprehending arrest in connection with Crime No.282/2016 registered at Police Station- Purani Bhilai, District – Durg (C.G.), for offence punishable under Section 498-A, 34 of Indian Penal Code and Section 4 of the Dowry Prohibition Act, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the applicant was married to complainant on 30.04.2015, subsequently she was subjected to physical torture for the demand of dowry by the applicant, therefore, the complainant left the house. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and before the marriage, the wife never wanted to marry with the applicant and the complainant deserted the applicant for which a report was made to

the police, thereafter, as a counter blast, the complainant has made this report. Therefore, it is prayed that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned State counsel opposes the application for grant of bail.
5. I have heard the learned counsel for the parties.
6. Perused the statement of the complainant as also the conciliation proceeding, the conciliation proceeding would show it did not materialized. Considering the nature of omnibus allegation and the report which was made by the applicant, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as custodial interrogation of the applicant in this case may not be required.
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