

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 759 of 2016

- Omprakash Dewangan S/o Shriram Dewangan Aged About 23 Years R/o Flat No. 407, Bloc No. 02, Gulmohar Lalpuri, Bhilai, Police Station Bhilai Nagar, District Durg, Chhattisgarh. ----- **Petitioner**

Versus

- State of Chhattisgarh Through Collector, Durg, Police Of Police Station Bhilai Nagar, District Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. T. K. Jha, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Govt. Adv.
For the Objector	:	Mr. Ashok Shukla, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.08.2016

1. Apprehending arrest in connection with Crime No. 380 of 2016 registered at Police Station Bhilai Nagar, Distt. Durg (C.G) for the offences punishable under sections 498-A & 323 of 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, the applicant was married to complainant on 11.02.2016. It is alleged that immediately after the marriage she was subjected to torture for demand of dowry as the Honda City Car was demanded alongwith cash and thereby the offence is committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and no demand was ever made by the applicant or his family

members. It is further submitted that the wife after few days of marriage deserted the applicant, therefore, an application u/s 9 of the Hindu Marriage Act was filed by the applicant wherein a decree for restitution of conjugal rights was passed. He referred to the copy of the order and decree filed alongwith the bail application vide Annexure A/4. It is further stated that on 02.03.2016 a report was made wherein the entire incident was narrated to the Police when the complainant never wanted to join.

4. Per contra, learned State Counsel and also learned counsel for the objector oppose bail and submit that the girl was subjected to cruelty for demand of dowry. She was also manhandled and physically harassed .
5. Perused the case diary as also the documents filed along-with the bail application which show that an application was filed u/s 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights wherein the decree was passed on 26.4.2016.
6. Taking into consideration such facts situation of the case, I am inclined to admit the applicant to anticipatory bail.
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

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