

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1305 /2015

Akhilesh Kumar Shukla, S/o. Dinesh Kumar Shukla, Aged About 32 Years,
R/o. Borabanda, Hyderabad, Tehsil & Distt. Hyderabad, Andhra Pradesh.
Permanent R/o. Karbala Bilaspur, Chhattisgarh (not mentioned in rejection
order)

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Civil Line, Bilaspur, Distt.
Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Umakant Singh Chandel, Advocate.

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/02/2016

1. Apprehending arrest in connection with Crime No.534/2015 registered at Police Station- Civil Line, Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 498-A, 34 of IPC and Section 4 of Dowry Prohibition Act, 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 story, in brief, a written report was lodged by the complainant Smt. Anupama Shukla that she was married to the applicant on 29.11.2011 and thereafter she joined her matrimonial home with her husband at Hyderabad and subsequently she was subjected to cruelty and an amount of Rs.25 Lakhs was demanded to start the business for the brother of the applicant namely Arvind Shukla.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as earlier to this incident, the brother of the applicant has initially made a report on 31.10.2013

and thereafter on 29.01.2014 and 01.03.2014 when the complainant and her family members were given a threat to lodge a false complaint, it was reported to the police and subsequently the notices were also exchanged between the parties as the complainant was not having a sound mind as she was suffering with mental disorder. He further submits that a divorce petition was also filed, however, that was dismissed for want of default before the Court below, therefore, the present applicant may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and various reports which was made by the family members of the applicant initially 31.10.2013, 29.01.2014 & 01.03.2014. Taking into the averment of the report and considering the allegations made, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C to the applicant.
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

Ashok