

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C (A) No. 840 of 2016

Nitish Chandrakar, son of Narayan Singh Chandrakar, aged about 45 years, R/o New Adarsh Nagar, Durg, Police station Pulgaon, District Durg (Chhattisgarh) ... **Applicant**

Vs.

State of Chhattisgarh through the Police Station Civil Line, Bilaspur, District Bilaspur (Chhattisgarh). ... **Respondent**

For the applicant	:	Mr. S.C. Verma, Advocate
For the State	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.09.2016

1. Apprehending arrest in connection with Crime No. 101 of 2016 registered at Police Station Civil Line, Bilaspur, Distt. Bilaspur (Chhattisgarh) for the offences punishable under sections 420, 120-B/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, on 24.07.2015 a report was made by one J.N. Chandra against the applicant and his other family members that his daughter was married to Dr. Choleswar Chandrakar in the year 2009 and during the process of marriage, the applicant being the family member has exaggerated the facts about financial status, educational qualifications, employment, monthly earnings etc., and thereby has allured and cheated the complainant to perform marriage with his daughter.
3. Learned counsel for the applicant submits that the marriage was performed long back in the year 2009 and

the report was made in the year 2015 as some matrimonial dispute arose between the parties. It is further contended that the nature of allegations would go to show that the applicant has not committed any offence and the delay in lodging the report is also apparent on the face of record. He further submits that co-accused Dr.Cholashwar Chandrakar has been enlarged on regular bail by this Court in M.Cr.C. No.4164/2016 on 28.07.2016. It is, therefore, submitted that considering the nature of allegations and the *inter-se* dispute between the parties, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. It shows that the report was made by J.N. Chandra on 24.07.2015 that his daughter was married to co-accused Dr.Cholashwar on false facts projected by the applicant being family member during the course of marriage proposal about the holding of assets, qualifications, monthly earnings etc., of the bride-groom.
6. After perusal of the case diary documents and considering the totality of facts and circumstances of the case, I am of the view that it is a fit case where the applicant can be extended the benefit of section 438 Cr.P.C.
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 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