

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 875 of 2016

1. Parvinder Singh, S/o. Shri Harnek Singh, aged about 27 years, R/o. Kailash Nagar, Housing Board Bhilai, Thana – Jamul, Tehsil Durg, Civil and Revenue District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Jamul, Revenue & Civil District – Durg (C.G.)

---- Respondent

For Applicant : Mr. Punit Ruparel, Advocate

For Respondent/State : Mr. Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/09/2016

1. Apprehending arrest in connection with Crime No.384/2016 registered at Police Station- Jamul, Revenue and Civil District – Durg (C.G.), for offence punishable under Section 498 (A), 294, 323 read with Section 34 of Indian Penal Code and Section 3 and 4 of Dowry Prohibition Act, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by Surjeet Kaur, wife of the applicant that she was married to the applicant on 10.03.2016, thereafter, she joined her matrimonial home wherein she was subjected to torture for demand of dowry, TV, freeze, washing machine and cash amount. Thereafter, the dispute aggravated and on 18.05.2016, when the mother of the complainant went to get the complainant, she was abused. Thereafter, the report was made on 01.07.2016. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that on the trivial issue, the report has been made and complainant herself left the

house of her own. It is further submitted that an application under Section 9 for restitution of conjugal rights has been preferred by the husband, which is pending and the false allegation has been attributed to the applicant. Therefore, the counsel prays that the applicant may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned counsel for the State opposes the application for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the statement and the report of the complainant as also the conciliation proceedings. Taking into the fact collectively and the nature of allegation, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
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