

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 931 of 2016**

1. Dheeraj Kumar Gupta, S/o. Krishna Kumar Gupta, aged about 28 years, R/o. In front of Munnulal School, Godpara, Tahsil and District – Bilaspur (C.G.)

----Applicant**Versus**

1. State of Chhattisgarh, Through : the Station House Officer, Police Station : City Kotwali, Bilaspur, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. V.R. Tiwari, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer
For Objector	: Mr. Varunendra Mishra, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/11/2016**

1. Apprehending arrest in connection with Crime No.224/2016 registered at Police Station- City Kotwali, Bilaspur, District – Bilaspur (C.G.), for offence punishable under Section 498-A/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was lodged by the complainant Smt. Kajal Gupta that she was married to the applicant on 11.03.2015 and on 10.02.2016 over a trivial issue, a dispute occurred and the complainant who was subjected to harassment was assaulted by way of knife by the present applicant. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant is the husband and the false allegations have been attributed against

him and no knife injury was inflicted by the present applicant and in the conciliation proceeding also, the complainant refused to accompany with the applicant. He further submits that in the medical report, no knife injury has been shown, 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 as well as counsel for the objector opposes the application for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents. It appears that case under Section 498-A of I.P.C. is registered. The report made by the objector shows that allegation of assault by knife is attributed to the present applicant. The case diary only contains the discharge ticket, wherein no knife injury has been shown to the complainant. Taking into the fact, the nature of allegation and medical report which is otherwise and considering the facts and circumstances of the case, 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