

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 988 /2016

Rakesh Khaira, S/o. Late Shri Shivnath Ram, Aged About 32 Years, R/o. Village Parasdiha, P.S. Basantpur, Balrampur, District Balrampur - Ramanujganj, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Basantpur (Chowki Wadrafnagar), Balrampur, Distt. Balrampur-Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate.
For Respondent : Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2016

1. Apprehending arrest in connection with Crime No.98/2016 registered at Police Station- Basantpur (Chowki Wadrafnagar) District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 498-A, 323 & 506/34 of Indian Penal Code, 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 case, a report was made by the wife of the applicant on 16.08.2016 that she was married to the present applicant on 03.05.2015 and thereafter she was subjected to cruelty for demand of dowry and an amount of Rs.80,000/- and Bolero Jeep was asked and having not been given, she was subjected to torture and also was assaulted; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the complainant is the wife of the applicant and she never wanted to

stay with the applicant, therefore, taking into the conduct of the complainant, the applicant made a report to the police on 07.03.2016 that the applicant and his family members may be inculpated on some false case. He further submits that the false allegations have been attributed to the applicant and therefore he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents and also perused the report Annexure A-2, which is made by the present applicant. Considering the statement of the complainant and also the fact that general allegations have been made, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. 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 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, today.

Sd/-
(Goutam Bhaduri)
Judge

Ashok