

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1049 /2016

Abhishek Agrawal, S/o. Mahesh Agrawal, Aged About 32 Years, R/o. Ward No.7, Bagbahra, Police Station Bagbahra, Tahsil Bagbahra, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Bagbahra, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Manoj Paranjpe, Advocate.
For Respondent	:	Ms. Sunita Jain, Panel Lawyer.
For Objector	:	Mr. Akhilesh Mishra, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2016

1. Apprehending arrest in connection with Crime No.177/2016 registered at Police Station- Bagbahra, District Mahasamund (C.G.) for the offence punishable under Section 498-A, 323 of Indian Penal Code and Section 3 & 4 of Dowry Prohibition Act, 1961, 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 complainant Archi Agrawal on 01.09.2016 that she was married to the present applicant in the month of June, 2010, thereafter, she was subjected to torture for demand of dowry immediately after 15 days of marriage. Subsequently, she was further subjected to torture and also she was subjected to assault and after birth of the child again the demand and cruelty started; thereby, the offence has been committed.

3. Learned counsel for the applicant submits that the marriage was in the year 2010 and initially also she never wanted to stay with the applicant for some differences and she went out of the home. Subsequently, with the intervention of the family members and elders, compromise was affected and she started living from 2013. Thereafter, again she left the home and false allegations have been made and in the earlier compromise, which is Annexure A-4 no allegation of cruelty has been attributed, therefore, in the facts of this case, the applicant may be enlarged on anticipatory bail.
4. Per contra, learned State counsel and counsel for the objector opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and statement of the wife. It appears that out of the wedlock, two children were born and the date of marriage is June, 2010. Considering the facts and circumstances and the background of the case, 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.

Sd/-
(Goutam Bhaduri)
Judge

Ashok