

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 649 of 2017**

- Ritesh Katakwar S/o Shyamlal Aged About 35 Years, R/o Near Goshala, Behind CJM Bungalow, Raigarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Birra, District- Janjgir Champa, Chhattisgarh.

----Non-applicant

For Applicant	: Shri Manoj Paranjpe, Advocate.
For Non-applicant/State	: Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/11/2017**

1. Apprehending arrest in connection with Crime No.35/2017, registered at Police Station- Birra, District- Janjgir Champa (C.G.), for offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail. This is first bail application of the applicant before this Court.

2. It is submitted by the learned counsel for the applicant that the complainant in this case is wife of the applicant. Marriage of the applicant and the complainant was performed on 08-05-2014. Soon after the marriage the relation between the applicant and the complainant was strained and the complainant left the matrimonial home on her own on 10-12-2014 and started to live in her parental home. No conciliation and

compromise could be arrived at between the parties. Hence, for this reason the applicant moved an application under Section 13 of the Hindu Marriage Act before the Family Court Raigarh. It was after issuance of notice in the said case, the complainant has made written complaint on 01-02-2017 on the basis of which FIR against the applicant and others has been lodged on 20-04-2017 registering the aforesaid offence and the applicant is apprehending his arrest in the same. It is also prayed that co-accused in this case have been benefited with grant of anticipatory bail in MCRC No.425/2017 vide order dated 15-06-2017. Hence, it is prayed that, on the basis of principle of parity as the case against the applicant stands on the same footing of the case of the co-accused persons, the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that the complainant has in her FIR made categorically statement against the applicant and others regarding subjecting her to torture and cruelty for demand of dowry. Hence, this is not a fit case for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Considering the submissions and contents of the case diary and the order passed by coordinate Bench of this Court in MCRC No.425/2017 and looking to the development of things that have taken place after filing petition for divorce by the applicant, and also keeping in view the principles laid down by Hon'ble Supreme Court in the matter of Arnesh Kumar -v- State of Bihar and Another, reported in 2014 (8) SCC 273 and Rajesh Sharma and ors. Versus State of U.P. and Anr., I am of this view that this is a fit case where the applicant should be benefited with grant of anticipatory bail.

6. Accordingly, the anticipatory bail application (MCRCA No. 649/2017) is allowed. 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.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge