

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 1078 of 2017

Samarth Awasthi S/o Late Shri Santosh Awasthi, Aged About 32 Years R/o 14 Senior M I G (Wrongly Mentioned As Senir In The Order Sheet), Nehru Nagar, Police Station Civil Line, Bilaspur, Tahsil & District Bilaspur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana, Bilaspur, District Bilaspur, Chhattisgarh

----Non-applicant

For Applicant	:	Ms. Nirupama Bajpai, Advocate
For Non-applicant/State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14/12/2017

1. The present is an application under Section 438 of Cr.P.C. seeking for grant of anticipatory bail to the applicant who is apprehending his arrest in connection with Crime No. 12/2017, registered at Police Station Mahila Thana, Bilaspur, Chhattisgarh for the offence punishable under Sections 498-A, 506, 34 of Indian Penal Code.
2. The case as per the prosecution is that the present applicant and his family members is said to have been subjecting the complainant to torture, ill-treatment and cruelty on account of demand of dowry continuously since the marriage, which led to the filing of the written complaint on 28.08.2017.
3. Counsel for the applicant submits that the marriage in the instant case took place on 29.11.2013 and thereafter the complaint for the first time has lodged on 28.08.2017. She further submits that all the allegations made in the said complaint are only in general in nature and that there is no specific allegation against any of the accused

persons of any independent incident to have occurred. Thus, prayed for the grant of anticipatory bail to the applicant.

4. The State counsel referring to the written complaint of the complainant opposes the bail application saying that there was serious allegation of torture, ill-treatment and cruelty on the demand of dowry against the applicant and other family members and thus oppose the bail application.
5. Considering the facts and circumstances of the case, particularly taking note of the general and omnibus complaint being lodged against the present applicant, this Court is of the opinion that prima facie a strong case is made out for grant of anticipatory bail.
6. Accordingly, the present application under Section 438 of Cr.P.C. is allowed. It is ordered that in the event of arrest of the applicant in connection with Crime No. 12/2017, registered at Police Station Mahila Thana, Bilaspur, Chhattisgarh for the offence punishable under Sections 498-A, 506, 34 of Indian Penal Code, if he furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then he shall be released on bail on the following further conditions :

(i) that the applicant shall make himself available for interrogation before the concerned 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/-

(P. Sam Koshy)
Judge