

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 164 of 2017**

- Sarfaraj Alam S/o Shri Israel Alam, Aged About 32 Years R/o House No. 102, Street No. 3, Sunder Nagar (West) Kohka, Bhilai, Police Station Supela, Tehsil & District Durg, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Thana Incharge Supela Chowki, Smriti Nagar, Tehsil & District Durg, Chhattisgarh.

---- Non-applicant

For Applicant:	Mr. Shishir Dixit, Advocate
For State:	Mr.Arvind Shukla, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****08.05.2017**

1. The present application u/s 438 of the Cr.P.C. for grant of anticipatory bail has been filed by the Applicant apprehending his arrest in connection with Crime No. 554/2016 registered by the Police Station – Supela, District - Durg, whereby he has been charged for the offence punishable under Sections 498A, 506 and 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.
2. The case of the prosecution is that the present Applicant right from the time of marriage is said to have tele-phonically been harassing the complainant on the ground of demand of dowry for which ultimately the complainant has lodged complainant on 14.06.2016. On the basis of which the FIR was also lodged on the same day i.e. 14.06.2016 against the present Applicant and other accused persons alleging that right from the time she was married i.e. 22.11.2015 till March, 2016 i.e. roughly for about

period of 4 months, the Applicant and other accused persons were continuously torturing her on demand of dowry.

3. Learned Counsel for the Applicant seeking anticipatory bail submits that the present Applicant immediately after marriage after about one month has left to Saudi Arabia where he was working. He returned back in December, 2016 in holiday. He again moved to Saudi for about one month and presently is in India on holidays.
4. He further submits that the complainant has lodged a false complaint against the present Applicant with intention to harass the Applicant as she is not keen to stay at her matrimonial home. He submits that there is no possibility of any torture or ill-treatment by the present Applicant as he was residing at Saudi Arabia.
5. Learned State Counsel however opposing the bail Application submits that ill-treatment and torture was telephonic and there is statement of the complainant that he used to telephonically torture the complainant and has also threatened of dire consequences.
6. Having considered the submissions made by the Counsel for the parties and on perusal of the record considering more particularly the fact that the Applicant has hardly stayed with the complainant and that he has been in employment at Saudi Arabia, the complaint prima facie does not seem to be strong enough. This Court is of the opinion that a strong case for grant of anticipatory bail has been made out in favour of the Applicant.
7. Accordingly, the present MCRCA is allowed.
8. It is directed that in the event of arrest, the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000 with two sureties for the like sum to the satisfaction of the Officer arresting him. He shall abide by all the following terms and conditions:-

- (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and

when required;

- (ii) that the accused/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/them from disclosing such facts to the Court or to any police officer;
- (iii) that the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the accused/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