

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 238 OF 2017

Radheshyam Sharma, S/o Late Chhajulal Sharma, aged about 68 years,
R/o Phase-II, Oshiya Bihar, House No.2, Dhamtari, Post Office & Police
Station -Dhamtari, Tahsil & District- Dhamtari (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, P.S. Sihawa, District
Dhamtari (C.G.)

... Non-applicant

For Applicant	:	Mr. Shivendu Pandya, Advocate.
For Non-applicant/State	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending his arrest in connection with Crime No. 88 of 2016, registered at Police Station- Sihawa, District- Dhamtari, for the offence punishable under Section 498(A)/34 of IPC and Section 3/4 of the Dowry Prohibition Act.
2. Case of the prosecution against the Applicant is that he and the other accused persons is said to have subjected the Complainant to ill-treatment, torture and harassment on account of demand of dowry, based upon which an FIR has been lodged against them.
3. Learned Counsel for the Applicant submits that in the instant case the mother-in-law, father-in-law and sister-in-law of the Complainant have already been granted anticipatory bail by this Court vide its order dated 2.3.2017 passed in M.Cr.C.(A) No. 1260 of 2016. He further submits that the nature of allegation levelled against the present Applicant is identical to that of what was levelled against those accused persons who have been

granted anticipatory bail by this Court and therefore he prays for similar treatment so far as the present Applicant is concerned.

4. Learned Counsel for the State on perusal of the case diary and on perusal of the record does not dispute the said fact.

5. Considering the total facts and circumstances of the case and also taking into consideration the fact that the other co-accused persons have already been granted anticipatory bail by this Court in the afore-referred anticipatory bail application, this Court is of the opinion that the present Applicant also deserves to be given a similar treatment.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 88 of 2016, registered at Police Station- Sihawa, District- Dhamtari, for the offence punishable under Section 498(A)/34 of IPC and Section 3/4 of the Dowry Prohibition Act, 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