

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA 783 of 2017**

- Gyanendra Manikpuri S/o Harihar Das Manikpuri, aged about 30 years, Caste- Panika, R/o Village- Dhanwa, Police Station- Pali Civil and Revenue District- Korba (C.G.).

---- Applicant**Versus**

1. State of Chhattisgarh Through: District Magistrate, Janjgir, District- Janjgir- Champa (C.G.).
2. Gireed Das S/o Manharan Das Manikpuri, aged about 53 years, Caste- Manikpuri, R/o Village- Sonsari, Police Station- Mulmula, District- Janjgir- Champa (C.G.)

---- Respondents

For Appellant	:	Ms. Upasana Mehta, Advocate
For Respondent No.1	:	Mr. Vinod Tekam, Panel Lawyer
For Respondent No.2	:	None

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order****24/11/2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. It is submitted by counsel for the applicant that the applicant is apprehending arrest in connection with Complaint Case No. 90/2017, for the offence under Section 3, 4 of Dowry Prohibition Act, 1961.
3. It is submitted by counsel for the applicant that the applicant has been

falsely implicated in this case. The contents of the complaint clearly disclose that while the marriage was being negotiated, the applicant did not play any role in that. All the statements of demand is attributed on the part of other co-accused persons who have been benefited by grant of anticipatory bail by the Sessions Court. Hence, it is prayed that the applicant may be benefited with grant of bail.

4. Counsel for the State opposes the bail application and submits that the case is based on complaint made by the complainant who is a party in the present case and can raise objections.
5. The complainant/ Respondent No. 2 has been served with notice, but no representation has been made on his behalf.
6. Heard the counsel and perused the case diary.
7. The facts of the case are that the marriage of applicant with the daughter of the complainant was negotiated and engagement was held on 19/03/2016. Thereafter, co-accused- Sati Bai made a demand of Rs. 5,00,000/- as dowry from the complainant. Other co-accused persons supported the demand of dowry. The complainant could not met with the demand made and the engagement was cancelled, hence the complainant case is pending before the Court.
8. Considering the contents of the complaint regarding specific allegations made against the other co-accused persons by the complainant and that other co-accused persons, in this case, have been benefited with grant of anticipatory bail by the Sessions Court, I am of the view that the applicant is entitled for anticipatory bail.

9. 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 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 them 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/-

(Rajendra Chandra Singh Samant)
Judge