

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 789 of 2017

Vipin Diwan S/o Prabhat Diwan Aged About 30 Years R/o
Panchsheel Nagar Ward No. 01 , Near Manoj Tent House
Durg Tahsil And District Durg Chhattisgarh. --**Petitioner**

Versus

State of Chhattisgarh through Police Station Durg,
District Durg Chhattisgarh. --- **Respondent**

For the applicant : Mr. H. B. Agrawal, Sr. Advocate with
Ms. Prabha Sharma, Advocate.

For the State : Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.12.2017

1. Apprehending arrest in connection with Crime No. 517/2017 registered at Police Station Durg, Distt. Durg (C.G) for the offences punishable under Section 498-A/34 of IPC and section 4 of the Dowry Prohibition Act, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was lodged by one Sonam Diwan that she was married to the present applicant on 10.03.2015, thereafter she was subjected to torture for demand of dowry and the husband in state of intoxication used to abuse and assault her, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that on trivial issue the incident has happened and no specific allegations have been made against the applicant. It is

further contended that the wife has herself left the house and thereafter the application for restitution of conjugal rights was filed and no offence has been committed. Therefore, he prays that the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary and the documents of conciliation proceedings. It appears that omnibus allegations have been levelled against the applicant.
6. Considering the statement of complainant as also the case diary documents and the nature of allegations, I am inclined to extend the benefit of section 438 of Cr.P.C., to the applicant.
7. Accordingly, the 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 officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he 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 any police officer;
 - (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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