

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1138 of 2016

- Sudeep Sahay S/o Shri Vishnu Sahay, Aged About 35 Years R/o Qr. No. 50/ A, Avenue C, Sector - 1, Bhilai, Police Station Bhilaibhatthi, District Durg, Chhattisgarh.
---- **Applicant**

Versus

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

For the applicant : Mr. C.R. Sahu, Advocate.
For the State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.01.2017

1. Apprehending arrest in connection with Crime No. 137 of 2016 registered at Police Station Bhilaibhatthi, Distt. Durg (C.G) for the offences punishable u/ss 498-A/34 of IPC read with Section 4 of 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 made by Smt. Priyanka sahu against the present applicant and others that she was married to the present applicant in April, 2015 and subsequently she was subjected to cruelty for demand of dowry. Thereafter the applicant along-with others have demanded Rs.2,50,000/- which in fact was paid. It is alleged that even after payment of the said amount , the cruelty was continued, thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant and the complainant on a trivial issue entered into dispute; the applicant has filed an application u/s 9 of the Hindu Marriage Act for restitution of conjugal rights and despite that the complainant has not joined the company and false allegations have been attributed, therefore, the applicant may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary documents, report and statement of the complainant as also the conciliation proceedings.
6. Considering the totality of facts and circumstances of the case and after perusal of the report and statement as also the conciliation proceedings, I am inclined to admit the applicant to anticipatory bail.
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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