

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1130 of 2016

- Gaurav Shukla S/o Shri Dhruv Kumar Shukla, Aged About 29 Years R/o Sukla Prashth, Mothers Pride School Campus, Kaithpar Main Road, Arang, Thana & Tahsil - Arang District Raipur Chhattisgarh
--- Applicant

Versus

- State of Chhattisgarh Through Mahila Thana, District Raipur Chhattisgarh
--- Respondent

For the applicant : Mr. Vinay Pandey, Advocate
For the State : Ms. Sunita Jain, Panel Lawyer
For the objector : Mr. Manoj Paranjpe, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.02.2017

1. Apprehending arrest in connection with Crime No. 36 of 2015 registered at Police Station Mahila Thana, Distt. Raipur (C.G) for the offences punishable u/ss 498-A/34 of IPC read with Sections 3 & 4 of the Dowry Prohibition Act, 1985 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 the victim Monika Shukla on 20.02.2015 that she was married to the present applicant on 06.02.2013 thereafter when she joined the matrimonial home, she was subjected to cruelty for not bringing the dowry in the form of Car, TV, Fridge, AC, etc. It is also alleged that she was manhandled by the applicant at different points of time thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the

applicant has been falsely implicated; the victim wife herself had left the house for which an application u/s 9 of the Hindu Marriage Act was filed and the conciliation proceedings carried out through District Legal Services Authority, Raipur have also failed. It is further submitted that the applicant has also lodged a report to Addl. S.P., vide Annexure A-4 that some false allegations have been levelled by the complainant to harass and damage the reputation of the applicant and his family members and requested to close the proceedings, therefore, the applicant may be admitted to anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary documents and the statement of victim.
6. Taking into the nature of allegations levelled against the applicant and the totality of facts and circumstances of the case, I am of the opinion that it is a fit case where the provisions of section 438 Cr.P.C., can be extended 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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