

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 845 of 2017**

- Niranjan Patel S/o Digamber Patel, Aged About 32 Years, Occupation Service R/o Sodha Paath Chowk, Pussore Tehsil Pussore, District Raigarh Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O., P.S. Pussore District Raigarh Chhattisgarh

---- Non-applicant

For Applicant	: Shri Amit Sharma, Advocate
For Non-applicant/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****30/11/2017**

1. Apprehending arrest in connection with Crime No.119/2017, registered at Police Station- Pussore District Raigarh (C.G.), for offence punishable under Section 498A of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant that this is first bail application of the applicant under Section 438 of the Cr.P.C. before this Court. The applicant has been falsely implicated in this case. The marriage of the applicant with the complainant took place on 31-05-2015. Due to difference between them the complainant wife of the applicant started residing separate from 05-02-2016. When the applicant failed to bring her back, he filed an

application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights on 28-11-2016. The complaint received notice of this case and gave appearance before the Family Court, but then after due deliberation and concoction a written complaint was given on 01-07-2017 in P.S. Pussore, on the basis of which the FIR has been registered. Hence, it is prayed that no case is made out against the applicant for the offences alleged and for these reasons, the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and the submission made. It is submitted that complainant Gomati Patel has made clear and categorical allegations against the applicant about the demand of dowry and torture given to her. Hence, he is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Looking to the written complaint dated 01-07-2017. Soon after the performance of marriage, the applicant started demanding dowry by way of cash and gold ornaments and to meet such demand he used to torture the complainant. Getting tortured the complainant was compelled to reside separately from the applicant and lodged the FIR against him.

6. Considered on the submissions made and the contents of the case diary. Looking to the development of things that have taken place which is submitted by the documents produced along with the

application and also keeping in view the judgment of Hon'ble the Supreme Court in the matter of **Arnesh Kumar Vs. State of Bihar** reported in **(2014) 8 SCC 273** and **Rajesh Sharma Vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, this Court is inclined to extend the benefit of anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed. 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 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil