

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1179 /2016

Ram Singh Thakur, S/o. Kamta Singh, Aged About 31 Years, R/o. Cheap House Colony, Dhanpuri, Shahdol, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Dalli Rajhara, District Balod, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shishir Dixit, Advocate.

For Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06.01.2017

1. Apprehending arrest in connection with Crime No.90/2016 registered at Police Station- Dalli Rajhara, District Balod (C.G.) for the offence punishable under Section 494, 498-A of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by the wife of the present applicant on 08.05.2016 that she was married to the present applicant on 17.02.2009 and thereafter the husband left for Banglore and frequent demand was made about some amount in dowry. Subsequently, when the enquiry was made, it was found that the applicant had married to another girl which revealed after going to Baglore; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and still the applicant wanted to settle the marriage, therefore, he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and statement of the victim, which shows that categorical statements have been made that the applicant had remarried and was living with another lady named Najni alongwith their children. Taking into such statement and nature of allegation, this is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge