

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1193 of 2016

- Deep Singh S/o Amrik Singh Aged About 34 Years Occupation- Service, Working As Assistant Manager In Central Bank Of India, Bangalore (Kartanaka), R/o Camp-1, Premnagar, Subhash Chowk, New Bsp Quarter, Bhilai, Police Station Chhaowni, Tahsil And District Durg, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Mahila Thana, Durg, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Ms. Sunita Jain, PL
For Respondent/Objector:		Shri Jitendra Gupta, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/02/2017

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.17/2016, registered at Police Station–Mahila Thana, Durg, District Durg for alleged commission of offence under Sections 498-A & 506/34 of IPC and Section 4 of the Dowry Prohibition Act.
3. Case of the prosecution is that the applicant and other family members subjected the prosecutrix, wife of the applicant, to cruelty in connection with demand of dowry. It is also alleged that the applicant, in particular, harassed her wife and insisted her to give him divorce and later on, in the social meeting, he had accepted to keep the wife with him, but again, he refused, thereafter, FIR has been lodged.
4. Learned counsel for the applicant submits that there may be some dispute

but allegations with regard to physical violence are exaggerated. He also submits that there is no specific allegation of physical violence against the present applicant. He lastly submits that the applicant is posted at Bangalore and he is not likely to abscond or not in a position to cause hindrance to fair investigation, therefore, the applicant may be granted bail.

5. On the other hand, learned State counsel as well as learned counsel for the Objector opposes the prayer for grant of bail and submits that the manner, in which, the applicant repeatedly harassed his wife so much so that she has to lodge the report, hence, the applicant is not entitled to bail.

6. I have considered the submission of learned counsel for the parties and perused the case diary.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the allegation of physical violence against the applicant is vague and there is no medical report in support of the allegation of physical violence and that the applicant appears to be in employment, I am inclined to protect the applicant.

8. Accordingly, the 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 on furnishing a personal bond for a sum of Rs.10,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(I) The applicant shall make himself available for interrogation by the police as and when required;

(II) 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 from disclosing such facts to the Court or to any police officer, *and*

(III) The applicant shall cooperate with the investigation as and when he is called.

Sd/-
(Manindra Mohan Shrivastava)
Judge