

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 905 of 2017

- Akashdeep Sharma S/o Vijay Kumar Sharma, Aged About 28 Years
R/o M. I. G. Prem Park Mahaveer Nagar, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Sector-6, Bhilai Nagar, District Durg Chhattisgarh

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate.

For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/12/2017

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.308/2017 registered at Police Station-Sector 6, Bhilai Nagar (C.G.), for the offence punishable under Sections 498-A/34 of the Indian Penal Code (for short 'IPC') and Section 4 of Dowry Prohibition Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. A bald allegation have been made against the applicant and others about demand of dowry and subjecting the complainant to cruelty whereas the reason was different that the conduct of the complainant herself was objectionable on raising objection to which the complainant left her matrimonial home and lodged false FIR against the applicant. The co-accused

person in this case have been granted bail in MCRC(A) No.720/2017 order dated 21.11.2017. There is no difference in the case against the applicant and that of the co-accused persons, hence, prayed that applicant may also be granted with anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the counsels and perused the case diary.
5. The applicant and the complainant had love affair, who performed registered marriage on 01.01.2016, thereafter, marriage was also performed according to rituals in Gayatri Temple on 20.1.2016. It was alleged in the complaint, that soon after marriage, her husband and other started making demand of dowry from the complainant and she was subjected to cruel treatment because of which the complainant was compelled to leave her matrimonial home and the FIR was lodged against the applicant and others.
6. Considering the submissions and the contents of the case diary, and keeping in view laid down by Supreme Court judgment of ***Arnesh Kumar vs. State of Bihar*** reported in **(2014) 8 SCC 273**, and ***Rajesh Sharma vs. State of Uttar Pradesh and Ors*** reported in **(2017) 8 SCALE 313**, I am of this opinion that applicant also deserves to be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha