

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6874 of 2017**

Vinod Yashwant Aghamkar, aged about 63 years, S/o. Yashwant Aghamkar,
R/o. Prahlad Nagar, Pandrah Bunglow, Bhusawal, District – Jalgaon
(Maharashtra)

---- Applicant

Versus

State of Chhattisgarh, Through : the Police Station – Darri, District – Korba
(C.G.).

---- Respondent

For Applicant	: Mr. Ravindra Agrawal, Advocate
For Respondent/State	: Mr. Sumit Jhanvar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/11/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.70/2017, registered at Police Station – Darri, District – Korba (C.G.) for the offence punishable under Section 3, 5 of Dowry Prohibition Act, 1961
2. It is submitted by the learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case. The negotiation of marriage of the son of the applicant with daughter of the complainant took place and ceremony of engagement was held on 17.04.2016, thereafter, the son of the applicant came to know that

daughter of the complainant is having live in relationship with somebody else, therefore, son of the applicant cancelled the engagement. After passing of nine months, a written complaint was made by the complainant on 08.06.2017 alleging in it that applicant and his son were demanding Rs.5.00 lakhs cash and car as dowry from the complainant. This is totally a false case, hence, prayed that the applicant be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the case, after negotiation made by the applicant and the complainant regarding marriage of their son and daughter, huge amount was spent by the complainant in the ceremony of engagement. Soon after the engagement, applicant, his wife and son had placed a demand of Rs.5.00 lakhs cash and car as dowry. On refusal by the complainant on account of his incapacity, the son of the applicant has canceled the engagement. On the basis of written complaint FIR has been lodged and the case is under investigation.
6. Considering the facts and circumstances of the case, looking to the nature of offence and degree of allegations levelled against the applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram