

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1294 of 2016

Amit Kumar Soni S/o Shri Shuresh Kumar Soni Aged About 28
Years Occupation - Educated Unemployed R/o Ward No. 12, House
No. 216, Khutehi Riwa, Police Station - Vishvavidyalaya, District -
Riwa (M.P.)

---- Applicant

Versus

State Of Chhattisgarh Through - Police Station - Bagicha, District -
Jashpur Chhattisgarh

---- Respondent

For applicant – Shri A.K. Yadav, Advocate.
For Respondent/State – Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/03/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 31/2016 registered at Police Station Bagicha, District Jashpur (C.G.) for offence punishable under Section 498A of Indian Penal Code & section 4 of Dowry Prohibition Act.
2. As per the prosecution case, a report was made by Neha Soni on 2/03/2016 that she was married to the applicant on 5/02/2015. Thereafter, she was subjected to torture for demand of dowry for Rs.10 lakhs and 10 tola gold were demanded and she was forcefully thrown out of the house.
3. Learned counsel for the applicant submits that the complainant herself has left the house for which the applicant has filed an application under Section 9 of Hindu Marriage Act for restitution of conjugal rights. It is submitted that still the applicant is ready and willing to keep the complainant with him and she was not forced to leave the house, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Considering the facts and circumstances of the case. Specially taking into fact that the applicant has filed an application under Section 9 of Hindu Marriage Act for restitution of conjugal rights and submission is made that the applicant is ready and willing to keep the complainant, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 executing a personal bond in sum of Rs.25,000/- with one local 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) 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.

Sd/-

(Goutam Bhaduri)

JUDGE

