

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1033 of 2017

Virendra Gajbhiye S/o Jogendra Gajbhiye, Aged About 30 Years
Occupation Private Service, R/o Bajinpali, Mahrapara Jute Mill
Road, Raigarh, District Raigarh, Chhattisgarh --- **Petitioner**

Versus

State of Chhattisgarh through S.H.O., City Kotwali, Raigarh,
Tahsil And District Raigarh, Chhattisgarh --- **Respondent**

For the applicant : Mr. Amit Sharma, Advocate.
For the State : Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.12.2017

1. Apprehending arrest in connection with Crime No. 138 of 2017 registered at Police Station City Kotwali, Distt. Raigarh (C.G) for the offence punishable under section 498-A/34 of IPC and Section 4 of the Dowry Prohibition Act, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by the wife of applicant Smt. Bhawna Gajbhiye on 10.03.2017 that she was married to the present applicant on 13.02.2015, thereafter when she joined her matrimonial home, she was subjected to torture for demand of dowry and the applicant/husband has abused and assaulted her.
3. Learned counsel for the applicant would submit that the wife has stayed only for few days i.e., one and half months in in-laws place and only omnibus allegations

have been attributed to the applicant. He further submits that no further investigation is necessary, therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary documents as also the conciliation proceedings. The conciliation proceedings prima facie shows that initially no complaint was made about such demand of dowry and the complainant appears to have also been subjected to some treatment before the marriage. Considering the same, without any further observation on merits of the case, I am inclined to extend the benefit of section 438 of the Cr.P.C., to the applicant.
6. Accordingly, the 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 surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he 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 any police officer;
 - (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious

trial; and

- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

R a o