

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1312 of 2016

- Santosh Gupta @ Golu s/o. Late Shri Shivismurat Prasad Gupta, aged about 30 years, r/o. Behind Shobha Kirana Stores, in front of Halka Talaba, Bhathagaon, PS Tikrapara, Tahsil & District Raipur (CG) Moole No. 9009135198

Applicant

Vs

- State of CG through SHO PS Tikrapara, District Raipur (CG)

Respondent

 For Applicant : Mr. C.R. Sahu, Advocate

For Respondent/State : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****10-03-2017**

1. Apprehending arrest in connection with Crime No. 412 of 2016 registered at Police Station Tikrapara, Raipur, District Raipur (CG) for offence punishable under Section 498 (A)/34 of the IPC, the applicant has preferred the bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail.
2. As per case of the prosecution, on 25-9-2016 a report was made by the complainant Pooja Jaiswal that she was married to the present applicant on 1-12-2014 and subsequently she was subjected to torture for demand of dowry by the present applicant and other co-accused persons. She was also assaulted many times for demand of dowry and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicant would submit that after report was made, counseling took place wherein the complainant failed to join the company of the applicant and on trivial issue a report was made against the applicant and thereafter, she herself deserted the applicant and filed an application for grant of maintenance wherein the applicant is paying Rs.1,000/- per month to the complainant as maintenance, therefore, considering all the facts and circumstances, the applicant may be extended the benefit of Section 438 of Cr.P.C.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the report of the complainant wherein omnibus and general allegations have been attributed to the present applicant.
7. Taking into consideration all the facts and circumstances of the case and taking into nature of allegations which are omnibus and general allegations, I am inclined to extend benefit of anticipatory bail to the applicant.
8. 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 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju