NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 934 of 2017

Kishor Kumar Agrawal S/o Ashok Kumar Agrawal, Aged About 32 Years R/o Village Gond Khamhi, Police Station Lormi, District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Lormi, District Mungeli, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sandeep Yadav, Advocate.
For the Respondent/State : Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

01.02.2018

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 321 of 2017 registered at Police Station – Lormi, District – Mungeli, Chhattisgarh for the offences punishable under Sections 323, 498-A and 506/ 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case by the complainant, who is his wife. The compromise was taken place between the complainant and the applicant. Pursuant to which, an affidavit has been filed by the complainant before this

Court submitting that she has no objection if the applicant is granted anticipatory bail. It is further submitted that pursuant to the compromise the applicant and the complainant are living together and leading a happy married life. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. The case is that the marriage of the applicant and complainant - Kajal Agrawal took place about five years prior to filing of the written complaint dated 20.8.2017. It is alleged that the complainant was tortured and treated with cruelty by the applicant on account of demand of dowry. Hence, this case.

7. Considering the submissions and the contents of the case-diary, taking into consideration the affidavit filed by the complainant in this case, keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, I am of the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

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 executing a personal bond in 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 them 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 him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi