

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 144 of 2018**

Saroj Kumar Kurre S/o Shri Badri Prasad Aged About 31 Years Caste Satnami, R/o Village Masan, P.S. Urga, Tahsil And District Korba Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Urga, District Korba Chhattisgarh.

---- Respondent

For the Applicant : Shri Uttam Pandey, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.03.2018**

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. 262 of 2017, registered at Police Station – Urga, District – Korba, Chhattisgarh for the offences punishable under Section 498-A/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The marriage of the applicant and complainant - Anita Bai was solemnized in the year 2009 and the applicant has two children from the complainant. There had been no dispute between the applicant and his wife but because of some dispute that arose in the

year 2016, the complainant left this applicant and lodged FIR on 23.4.2016 alleging commission of offence under Section 498-A of the IPC. A compromise was entered into between the applicant and the complainant in this case and the previous case was withdrawn by the complainant herself. Subsequent to that, without any reason this second FIR was lodged against this applicant making false allegation against demand of dowry and torture. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. All the co-accused persons have been granted anticipatory bail by the learned Sessions Court, 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. It is alleged that after performance of marriage in the year 2009, soon after the marriage the husband of the complainant Anita Bai i.e. applicant and her in-laws started making demand of dowry of cash and other articles from her and subjecting her to torture and cruel treatment because of this torture the complainant was compelled to leave her matrimonial home and she lodged FIR on 23.4.2016. Subsequent to that, on the assurances given by the applicant and in-laws the complaint was withdrawn but the demand of dowry and the torture to the complainant continued thereafter, because of which again an effort was made for conciliation which failed, hence, the FIR was lodged.

7. Considering the entire material present in the case-diary, and also 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. He 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 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