

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 147 of 2018**

Abhishek Tripathi, S/o. S. P. Tiwari, Aged About 36 Years, R/o. Sattipara Nagar, Ambikapur, District -Surguja Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station Mahila Thana, Ambikapur, District -Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manoj Paranjpe, Advocate
For Respondent/State	: Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/02/2018**

1. Apprehending arrest in connection with Crime No.12/2017, registered at Police Station – Mahila Thana, Ambikapur, District – Surguja (C.G.) for offence punishable under Section 498-A, 294, 506-B, 323 read with Section 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case because of dispute between the applicant and the complainant- his wife. Complainant started living separately from 04.02.2017, complainant is also a government servant working as Shiksha Karmi Grade-III. She has filed a complaint against this applicant before the Collector, Surguja on 10.04.2017, in which no allegation was made about any demand of dowry. Subsequent to that another complaint was filed before the Pariwar Paramarsh Kendra, Surguja on 20.04.2017, in which again no allegation was made against this

applicant regarding demand of dowry. Later on this applicant filed divorce petition against this complainant, it was subsequent to that as a counter blast, this false FIR has been lodged against this applicant. It is further submitted that co-accused in this case has been granted anticipatory bail in M.Cr.C.(A) No.71/2018 vide order dated 25.01.2018 and the applicant has a similar case, he may also be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that complainant has made serious allegation against this applicant and others about demand of money for purchase of car by way of dowry and subjecting her to torture, hence, looking to the clear allegations, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The marriage of the applicant and the complainant took place on 24.02.2012. In the complaint it has been alleged by the complainant that applicant by making demand for purchase of car started subjecting the complainant to cruel treatment, in which co-accused was also supporting him, consequently, FIR has been lodged against this applicant and other co-accused persons.
6. Considered the submissions made and the contents of the case diary and the development that has taken place prior to lodging of FIR by the complainant and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8)

SCALE 313, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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) 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge