

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 182 of 2018

- Satish Premchandani S/o Late Shri Ramesh Premchandani, Aged About 39 Years, R/o Ward No. 2 Bacheli, Tahsil Bacheli, District Dantewada Chhattisgarh, District : Dantewada, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhansi, District Dantewada Chhattisgarh, District : Dantewada, Chhattisgarh

---- Non-applicant

For Applicant – Shri Kishore Bhaduri, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-03-2018

1. Apprehending arrest in connection with Crime No.02/17, registered at Police Station – Bhansi, District Dantewada Chhattisgarh for offence punishable under Section 306, 498A/34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant, that marriage of the applicant and the deceased, his wife was performed on 11-05-2003 and the deceased all of a sudden left the house of this applicant on 05-11-2016 at 2.30 a.m. past midnight. The applicant searched for his wife and the body of his wife was found on railway track in the morning of next day. Police registered the merg and inquest was conducted, on that basis the FIR was lodged. According to the investigation made so far police was at the verge of filing closure report, when the information was received that a complaint has been made in the Court of Nagpur by the father of the deceased against this applicant and others, because of which, the investigation has been kept pending. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application

and submits that in the statement given by the father, mother and brother of the deceased, there is clear allegation that the applicant soon after the marriage started harassing his wife, deceased for various demands that were fulfilled by parents of the deceased and apart from this, the applicant was harassing his wife on various occasions and on various pretexts.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Facts of the case are briefly discussed hereinabove.

6. Considered on the submissions made and contents of the case diary.

7. Considered on the entire material present in the case diary. As the marriage is more than 7 years old, it may so that offence under Section 498A of the IPC is made out, but presumption available under Section 113A of the Evidence Act shall not be applicable in this case, hence, for these reasons, I am of this view that the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil