

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A). No. 257 of 2018

- Rahul Kumar Gupta S/o Sunildatt Gupta Aged About 29 Years
Occupation Medicine Representative, R/o Through Shri M. R. Gupta
Plat No. 66/1500, Kelo Vihar Colony Raigarh Chhattisgarh, District :
Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Thrpugh Police Station Chakradhar Nagar
Raigarh District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Non-applicant

For Applicant : Mr. Sanjay Agrawal, Advocate.
For the State : Mr. Vinod Tekam, P. L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

11.05.2018

1. Heard.
2. Applicant has filed this bail application under Section 438 of the Cr.P.C.
apprehending his arrest in connection with Crime No.31/2018
registered at Police Station- Chakrdhar Nagar, Raigarh District-
Raigargh (C.G.), for the offence punishable under Sections 498(A)/34
of the Indian Penal Code.
3. Learned counsel for applicant submits that applicant has been falsely
implicated in this case by the complainant-(wife of the present
applicant). It is a case of matrimonial dispute. The complainant herself
left her matrimonial home after some time of marriage and she started
leaving separately. When this applicant has filed a divorce petition

before the trial Court, subsequent to that as a counter blast a false complaint has been filed against the applicant and his parents and on the basis of which, FIR has been lodged against them, hence, it is prayed that applicant be extended the benefit of Section 438 of the Code of Criminal Procedure.

4. On the other hand, learned State counsel opposes the bail application and submits that there is ample evidence against this applicant regarding cruel treatment and demand of dowry, hence, no case is made out for grant of bail.
5. Heard both the parties and perused the case diary.
6. According to the FIR lodged against this applicant and others co-accused persons, the marriage of complainant- Subhashini Gupta was solemnized with the present applicant on 12.07.2016. And after 3-4 months of her marriage, this applicant and his parents (co-accused persons) started showing their dissatisfaction about the items given in the dowry and made a demand of Rs. 50,000 /- in dowry, because of which, the complainant had to leave her matrimonial home and has lodged FIR against them.
7. Considering on the submissions made, contents of the case diary and the nature of the allegation made against the present applicant and further in view of the guidelines laid down by Hon'ble Supreme Court in the Case 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 this view that applicant should be extended the benefit of Section 438 of the Cr.P.C.
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 trial Court. 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.

Sd /-

(Rajendra Chandra Singh Samant)
Judge

Jamal