

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 415 of 2018

- Vishal Sahu S/o Kushal Sahu, Aged About 27 Years, R/o Ashok Nagar, Seepat Road, Police Station Sarkanda, Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Mahila Police Station, Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Rajkumar Pali, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2018

1. Apprehending arrest in connection with Crime No.15/2018, registered at Police Station – Mahila Police Station Bilaspur, District Bilaspur, Chhattisgarh for offence punishable under Section 498A, 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. In fact, the complainant had some objection regarding conduct of mother of this applicant, because of which, she herself has left her matrimonial home and lodged the false FIR against this applicant. There had never been any demand of dowry from the complainant. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that statement of the complainant and the witnesses is direct against the applicant about cruel treatment towards the complainant for demand of dowry. Hence, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.

5. Marriage of the applicant and complainant Minakshi Sahu was performed on 12-12-2016. Thereafter, she started living in her matrimonial home. The demand was made from the applicant that house be constructed and 5 acres of land be obtained from her paternal home, because of which, she was subjected to mental and physical torture and as a result, the complainant was compelled to leave her matrimonial home and then the FIR was lodged.

6. Considered on the entire material present in the case diary and also perused the documents attached with the application for grant of anticipatory bail. Keeping in view the guidelines laid down by Hon'ble the 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, I am of this view that this applicant should be benefited with grant of anticipatory bail.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil

and Dataram Singh Vs. State of Uttar Pradesh & Anr., reported in 2018 LawSuit(SC) 84,
2018 (3) SCC 22