

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 566 2018**

Alok Dubey, S/o. Shri Babulal Dubey, Aged About 31 Years, R/o. House No. A.D. 203A, Asma Colony, Sakri, Bilaspur District Bilaspur Chhattisgarh.

**----Applicant****Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Sakri, Bilaspur District Bilaspur Chhattisgarh.

**---- Respondent**


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|----------------------|----------------------------------------------------|
| For Applicant        | : Mr. R.S. Marhas, Advocate                        |
| For Respondent/State | : Mrs. Smita Ghai, Panel Lawyer                    |
| For Objector         | : Mr. Surfaraj Khan with Mr. Rishi Sahu, Advocates |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****18/07/2018**

1. Apprehending arrest in connection with Crime No.93/2018, registered at Police Station – Sakri, District– Bilaspur (C.G.) for offence punishable under Section 498-A, 307/34 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. No case is made out against the applicant on the basis of the material present in the case diary. The complainant, wife of this applicant had left her matrimonial home just within 20 days of the marriage because of a simple dispute that this applicant wanted to take his parents to his place of work along with the complainant. The complainant left the matrimonial home on 28.03.2018 collecting her belongings. After due deliberations written complaint was made at Police Station Sakri on

02.04.2018 making false allegation about the demand of dowry and also alleging that this applicant and others attempted to commit her murder. The applicant is ready to abide by all the conditions imposed on him while enlarging him on bail. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the statement given by the complainant is sufficient to make out the the offence and no case is made out for grant of anticipatory bail.
4. Counsel for the objector adopts the arguments advanced by the counsel for the State submitting that looking to the serious allegation against this applicant that he has attempted to cause murder of the complianant, his application be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Marriage of the complainant Abhiti Tiwari with this applicant took place on 09.03.2018. According to the complaint made, the allegation is against the applicant and her in-laws that they have tortured the complainant for demand of dowry. It is alleged that on 28.03.2018, the applicant and others confined the complainant alone and tryed to burn her and to cause her death, because of which she was compelled to leave her matrimonial home on 28.03.2018. Hence this case.
7. Considered the submissions made and the contents of the case diary. The medical examination report of the complainant does not show any burn injury on her body. As the offence under Section 307 of I.P.C. has been added in this case, the matter though being

under Section 498-A of I.P.C. has not been sent for conciliation to the conciliation committee, hence, after over all consideration on all the facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

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

9. 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