

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 728 of 2018**

Deepak Kumar Vishwakarma S/o Shivkumar Aged About 26 Years Caste Lohar, R/o Radha Krishna Mandir, Tifra, Dhobipara, Tifra, Police Station Sirgitti, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Of Police Station Mahila Thana Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Ajay Kumar Chandra, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.07.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 29 of 2018, registered at Police Station – Mahila Thana, Bilaspur, District – Bilaspur, Chhattisgarh for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. After marriage of the applicant with the complainant, the complainant lived in her matrimonial home only for 15 days and thereafter, she is living with her parents. The applicant made assurance

to bring her back but failed as the complainant is not willing to reside with the applicant and thereafter, she lodged false FIR against the applicant alleging cruel treatment and demand of dowry. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that as per the statement given by the complainant no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. As per the case of the prosecution, the marriage of the applicant and complainant – Rama Vishwakarma took place in the year 2015. She lived for a short period in her matrimonial home and thereafter, she lived with her parents. The allegation against the applicant is that he is a drunkard and has sold out all the ornaments of the complainant and thereafter, was treating her with cruelty for demand of money and dowry from the complainant. Hence, this case.

7. Considering the entire material present in the case-diary, and also keeping in view the observations made by the Supreme Court in the cases 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 the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

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 Investigating Officer. He 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 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