

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 902 of 2018**

Krishna Kumar Tiwari Shri Ramsanehi Tiwari, Aged About 35 Years R/o Near Hunuman Mandir, Rapta Chowk, Chantidih, Police Station Sarkanda, Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Sarkanda, Civil And Revenue District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Lav Sharma and Shri K.P.S. Gandhi, Advocates.
For the Respondent/State	:	Shri Rahul Tamaskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.09.2018**

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. 441 of 2018, registered at Police Station – Sarkanda, Bilaspur, District – Bilaspur, Chhattisgarh for the offences punishable under Section 498-A/ 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. Complainant - Rajni @ Sonal Tiwari, wife of the applicant, left her matrimonial home just after three months from the date

of marriage i.e. in the year 2016. After a long delay, FIR has been lodged on 18.6.2018, which is totally false. Similarly placed co-accused persons – Ku. Beena Tiwari and Ramsnehi Tiwari have been granted bail by this Court in M.Cr.C.(A) No. 806 of 2018, vide order dated 23.08.2018. 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.

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

6. The marriage of complainant – Rajni @ Sonal Tiwari with the applicant took place in the year 2016. On 18.6.2018, she lodged FIR against the applicant and the co-accused persons alleging that she was subjected to cruel treatment for demand of dowry by all of them. Hence, this case.

7. Considered the material present in the case-diary. The case of the applicant is similar to that of co-accused persons 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. 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 them 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