

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 912 of 2018**

Junaid Khan S/o Late Salim Khan Aged About 33 Years R/o Behind Kachahri Sarangarh, P.S. And Tahsil Sarangarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station Sarangarh, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Manoj Kumar Jaiswal, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.08.2018**

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. 395 of 2018, registered at Police Station – Sarangarh, District – Raigarh, Chhattisgarh for the offences punishable under Section 498-A of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case on the basis of a false complaint lodged by the complainant, the wife of the applicant. Their marriage is of 8 years old and after passing of about 8 years, the complainant has levelled false allegations

about demand of dowry and cruel treatment which is without any substance. 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 the applicant with complainant – Jeenath took place on 2.12.2010. It is alleged that the applicant subjected the complainant to cruel treatment for demand of dowry in which he made a demand of one car and Rs.1,00,000/- from the complainant and when the demand was not fulfilled, the complainant was sent to her paternal home on 24.11.2016. She was residing in her paternal home and FIR was lodged on 30.6.2018 after passing of more than one year.

7. Considered the material present in the case-diary and also considered on the period of marriage. After due consideration of all the aspects in this case and the delay in lodging the FIR in this case, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of 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