

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 924 of 2018**

Virendra Dhankar, S/o. Shri Chandrapal Dhankar, Aged About 31 Years,
R/o. Gaurbhat, Tahsil and Police Station Arang, District Raipur,
Chhattisgarh.

----Applicant**Versus**

The State Of Chhattisgarh, Through : The Police Station Arang, District
Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. M.K. Bhaduri, Advocate

For Respondent/State : Mr. Rahul Tamskar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/08/2018**

1. Apprehending arrest in connection with Crime No.165/2018, registered at Police Station – Arang, District – Raipur (C.G.) for offence punishable under Section 498-A read with Section 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 on the basis of the complaint made by the complainant – Monika Dhankar. The complainant herself left the matrimonial home and does not want to come back and live matrimonial life. The counseling of the applicant and the complainant that has taken place in the Family

Counseling Center, Mahila Thana, Raipur discloses that the complainant has made clear statement that she does not want to go back to her matrimonial home. The father of the applicant, who is also a co-accused in this case has been granted anticipatory bail by the Sessions Court itself. Hence, for this reason, 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.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, marriage of the applicant and the complainant was performed on 18.04.2016, thereafter, she started living in her matrimonial home in Aarang and subsequently in Dantewada, where the applicant was posted. It is alleged in the FIR that the complainant was harassed and tortured for demand of dowry because of which, she is compelled to live in her matrimonial home, where she is lived from 28.12.2016. FIR has been lodged on 26.01.2017. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case and also keeping in view the guidelines laid down by the Hon'ble 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, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

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