

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 950 of 2018**

Amit Kumar Pandey, S/o Shri Pramod Kumar Pandey aged 32 years
R/o Basant Vihar Colony SECL, Bilaspur, P.S. Bilaspur, Tahsil &
District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Sarkanda, District :
Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vivek Kumar Pandey, Advocate.
For the Respondent/State	:	Shri Ashok Swarnakar, 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. 484 of 2018, registered at Police Station – Sarkanda, Bilaspur, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 323 and 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 – Shilpa Pandey, wife of the applicant, has lodged totally false FIR making false allegations against the

applicant and the co-accused persons whereas, neither there is any demand of dowry nor she was subjected to any cruel treatment. Similarly placed co-accused – Geeta Pandey has been granted anticipatory bail by the Sessions Court itself. 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. Marriage of complainant – Shilpa Pandey with the applicant took place on 19.4.2017. The main allegation has been made by the complainant against her mother-in-law – Geeta Pandey about demand of dowry and torture. In that respect, there is reference of one incident which occurred on 25.5.2018 when the complainant was assaulted and beaten by her mother-in-law and the applicant and subsequent to that, this FIR has been lodged.

7. Considering the 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. 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