

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1014 of 2018

- Rahul Sharma S/o Vinod Sharma Aged About 30 Years Adhaar No. 314838548848, R/o- Mukut Nagar, Near Water Tank, Police Station- Azad Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Mahila Thana, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicants : Ms. Sunita Sahu, Advocate.
For Respondent : Mr. Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.16/2018 registered at Police Station- Mahila Thana, District – Raipur(C.G.), for the offence punishable under Sections 498-A, 506, 34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits, that applicant is innocent and has been falsely implicated in the crime in question. The complainant has made a false allegations in the FIR only for the reasons that she does not want to reside in her matrimonial home,

which she has stated before the Family Counseling Centre and it is recorded in the proceedings of that centre. Similarly placed co-accused persons have been benefited with grant of anticipatory bail. Hence, it is prayed that he may also be granted anticipatory bail.

3. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. The marriage of complainant Sudha with this applicant was performed on 29.1.2017. She lived in her matrimonial home for a short time and then has filed a written complaint in Police-station on 26.10.2017, alleging that while residing in her matrimonial home, she was subjected to torture and cruel treatment for demand of Rs. 5 lakh as dowry from her by the applicant and the co-accused persons. Hence, this case.
6. After considering the entire material present in the case diary, that the co-accused persons have been granted anticipatory bail in this case itself and in view of the observations made by the Hon'ble Supreme Court in the matters of ***Arnesh Kumar Vs. State of Bihar*** reported in ***(2014) 8 273*** and ***Rajesh Sharma Vs. State of Uttar Pradesh and Others*** reported in ***(2017) 8 SCALE 313***, I am of this view that this is a fit case where the applicant should be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application of applicant 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 his executing a personal bond in the sum of Rs.25,000/- each 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 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha