

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1066 of 2018**

Chandramohan Singh (Wrongly mentioned as Chandra Mohan Singh),
S/o. Late Shri Vikramaditya Singh, Aged About 32 Years, R/o.- Chitalanka,
Additional S.P's Residence District- Dantewada, Chhattisgarh. Permanent
R/o- Kalyanpur, P.S. Gudamda, Lucknow, District- Lucknow, (U.P.).

----Applicant**Versus**

State Of Chhattisgarh, Through- Police Station, Dantewada, District-
Dantewada, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manish Sharma, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, Panel Lawyer
For Objector	: Ms. Prachi Agrawal, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/09/2018**

1. Apprehending arrest in connection with Crime No.80/2018, registered at Police Station – Dantewada, District – Dantewada (C.G.) for offence punishable under Section 498-A 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. No case is made out against the applicant according to the material present in the case diary. The applicant and the victim in this case had in-fact performed love marriage on 08.05.2017. The wife of this applicant

had some doubt on the character of the applicant, because of which dispute arose between them and ultimately the wife of the applicant left her matrimonial home on 30.04.2018 without informing the applicant and subsequent to that FIR was lodged by her mother on 01.05.2018. In the complaint given by the wife of applicant before the Protection Officer, under the provisions of Protection of Women from Domestic Violence Act, no such complaint has been made that the applicant has made demand of dowry. Only allegations made is regarding misbehavior. Applicant is an IPS Officer and has responsible posting for controlling the affairs of the State. 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. It is submitted that looking to the presence of evidence in the case diary against the applicant, he is not entitled to be released on bail.
4. Counsel for the objector adopting the arguments advanced by the learned counsel for the State submits that the applicant is a superior police officer and he is continuously intimidating the complainant and the witnesses. Hence, for these reasons, he should not be released on anticipatory bail.
5. In reply, counsel for the applicants submits that after the incident, the applicant has been transferred from the place of incident i.e. Dantewada on his own request, hence, no question arises about influencing the investigation of the case.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

7. FIR has been lodged by Sushila Brahme, the mother-in-law of the applicant that soon after the marriage with her daughter Sonali Brahme, the applicant started torturing and misbehaving with his wife. It is also alleged that the applicant made a demand of dowry and also demanded to register the sale deed of house of the complainant in the name of his sister. Hence, this case.
8. Considered the submissions made and the contents of the case diary and looking to the development that has taken place, and that the applicant is now transferred from Dantewada, and that he holds responsible office under the State, hence for this reason 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.
9. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
10. 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 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

Balram