

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1150 of 2018**

Mohammad Iqbal S/o Shamshul Haq Aged About 56 Years R/o 22/2, A/h/3
Bright Street, Kolkata. 700017, West Bengal.

---- Applicant**Versus**

State Of Chhattisgarh Through - Police Station Torwa, District - Bilaspur,
Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rajeev Bharat, Advocate.
For the Respondent/State	:	Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.09.2018**

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. 344 of 2018, registered at Police Station – Torwa, District – Bilaspur, Chhattisgarh for the offences punishable under Section 420/ 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. According to the material present in the complaint made by the complainant in this case, no case is made out against the applicant. It is a matter of marriage negotiation which has failed which is not an offence under any provision of law. 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. A complaint was filed by complainant – M.S. Khurshid stating that he negotiated the marriage of his daughter with the son of the applicant in which the applicant had made a demand of Rs.5,00,000/- in cash as dowry. As the complainant could not pay the same, the marriage negotiation was cancelled. Hence, this case.

7. It may be a case under the provisions of Dowry Prohibition Act. Hence, after due consideration of all the material present in the case-diary, I am of the considered opinion that the applicant deserves 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