

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.553 of 2017

- Saket Kumar Ravi S/o Shiv Prasad Aged About 27 Years R/o Dahejwar Police Station & Tahsil Balrampur, Distt. Balrampur Ramanujganj Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through : Police Station Balrampur, District - Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

Shri AN Pandey, counsel for applicant.
Shri Manish Nigam, Panel Lawyer for State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

04/01/2018

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.78/2017, registered at Police Station–Balrampur, District Balrampur-Ramanujganj for alleged commission of offence under Sections 294, 323, 506 and 498 of IPC.

3. Case of the prosecution is that the applicant harassed and subjected his wife to cruelty in connection with demand of dowry.

4. Learned counsel for the applicant submits that this is a case of false implication. It is submitted that the complainant-wife had left the matrimonial house without information. Thereafter, the applicant moved an application under Section 98 Cr.P.C. before the Sub Divisional Magistrate. The prosecutrix appeared before the Magistrate and stated that she is voluntarily residing with his father, due to which, proceedings is closed in the year 2014 itself. When wife of the petitioner did not come back, the petitioner filed an application for grant of divorce in the year 2016, which is still pending. As late as on 30-05-2017, now the FIR has been lodged against the applicant on afterthought grounds.

5. On the other hand, learned State counsel submits that the complainant has

made specific allegation against the applicant of cruelty and harassment and violence in connection with demand of dowry, therefore, prima facie case is made out.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the circumstance that the FIR has been lodged after filing of divorce proceedings, I am inclined to protect the applicant.

7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(I) The applicant shall make himself available for interrogation by the police as and when required;

(II) 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 from disclosing such facts to the Court or to any police officer, *and*

(III) The applicant shall cooperate with the investigation as and when they are called.

SD/-
(Manindra Mohan Shrivastava)
Judge