

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1202 of 2018**

Abhishek Mishra, S/o. Late Omprakash Mishra, Aged About 37 Years, R/o. Gol Bazar, Mungeli, Tahsil and District- Mungeli, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Mahila Thana- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Basant Dewangan, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/10/2018**

1. Apprehending arrest in connection with Crime No.15/2017, registered at Police Station – Mahila Thana, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 498-A read with Section 34 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. The complainant has made totally false allegation against the applicant and the co-accused persons and in fact there had been no demand of dowry. There are differences between the applicant and complainant and only for that reason, the false allegation has been made regarding demand of dowry and cruel treatment against the applicant. 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 the applicant benefited with interim relief by this Court in the separate writ petition filed by the applicant. Hence, under these circumstances he is not under any apprehension being arrested. Hence, the application be rejected..
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The marriage of the applicant with the complainant – Nidhi Mishra took place on 04.02.2016. When she was residing in her matrimonial home, it is alleged that the applicant along with other co-accused persons made a demand of car and cash of Rs.50,000/- and as that was not fulfilled because of which, the complainant was subjected to torture and cruel treatment. Ultimately, the FIR was lodged on 20.11.2017. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, efforts have been made by the Family Counselling Center for compromise between the parties 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.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 each 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