

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1223 of 2018**

Manish Kumar Kant, S/o. Laxya Narayan Kant, Aged About 35 Years, R/o. Surya Vihar, Yadunandan Nagar, Tifra Bilaspur, Tahsil and District - Bilaspur, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Civil Line, Bilaspur, District - Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C.K. Kesharwani, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/10/2018**

1. Apprehending arrest in connection with Crime No.767/2018, registered at Police Station – Civil Line, 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 prosecutrix has made totally false allegation, which is reflected from the document regarding the proceeding before the Family Counselling Center of Mahila Thana, Bilaspur in which she has not stated about any demand of dowry or cruel treatment. The complainant has

herself has deserted the applicant because of which the applicant has filed an application under Section 9 of Hindu Marriage Act for restitution of conjugal rights. 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.
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 – Hemlata Kant took place on 02.06.2017. The complainant lived for few months in her matrimonial home and subsequent to that because of the dispute between both of them, their matter was referred to Family Counselling Center of Mahila Thana, Bilaspur. Subsequently, the complainant filed a written complaint on 15.06.18 on that basis FIR has been lodged on 06.09.2018 against the applicant and other co-accused persons.
6. Considered the submissions made and the contents of the case diary. Considering this fact that the documents regarding proceeding of Family Counselling Center do not disclose any allegation regarding any demand of dowry 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