

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 973 of 2017**

Ratan Manikpuri S/o Mukhtawan Das Manikpuri, Aged About 30 Years
R/o Pacharipara, Durg, Tahsil And District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Mahila
Police Station Durg, Civil And Revenue District Durg, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Goutam Khetrapal, Advocate.
For the Respondent/State	:	Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.02.2018**

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. 17 of 2017, registered at police station – Durg, District - Durg, Chhattisgarh for the offence punishable under Section 498-A/ 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. No case is made out against him regarding cruelty and demand of dowry from the complainant

and the complainant has lodged false FIR. 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. It is submitted that the complainant in this case has made clear and categorical statement alleging cruel treatment for demand of dowry. Hence, the applicant is not entitled for bail.

5. Heard counsel for both the parties and perused the case diary.

6. The marriage of the complainant and the applicant was performed on 23.11.2014. Thereafter, she is living with her parents and has filed this FIR alleging cruel treatment imported to her for demand of dowry by the applicant and co-accused persons.

7. Considering the submissions made and the contents of the case diary and the fact that, as informed, the parents of the applicant have been granted anticipatory bail as also keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of 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