

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 955 of 2017**

Bhanu Pratap Singh, S/o. Rajendra Singh Tomar, age 31 years, R/o. Pench, Tah. Ramtek, District – Nagpur, Maharashtra.

----Applicant**Versus**

State of Chhattisgarh, Through : Police Station – Mahila Thana Bilaspur, District – Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Raj Kumar Gupta, Advocate
For Respondent/State	: Mr. Aaditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/02/2018**

1. Apprehending arrest in connection with Crime No.08/2017, registered at Police Station – Mahila Thana Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 498 (A)/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. Complainant – Richa Singh, the wife of applicant is not residing with the applicant willingly because of which, applicant has filed an application under Section 9 of Hindu Marriage Act, before the Family Court, Bilaspur and on the other hand, the complainant has filed a complaint under Section 12 of the Domestic Violence Act against this applicant

making false allegation against him about demand of dowry. Applicant is a government servant working as Forest Guard in Forest Department of Chhattisgarh, he is ready to abide by all the condition imposed for grant of bail. It is further submitted that co-accused in this case have been enlarged on anticipatory bail by the Sessions Court. Therefore, it is prayed that the applicant be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that complainant has made serious allegation against this applicant and others about demand of dowry and the cruel treatment given to her, hence, looking to the clear allegations, no case is made out for grant of anticipatory bail.
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 complainant took place with this applicant on 14.05.2015. It is alleged that applicant left the complainant in her maternal home on 29.05.2015, thereafter had not visited again. FIR has been lodged on 24.07.2017 alleging in it that applicant and others subjected the complainant to torture and cruel treatment for demand of various articles of dowry.
6. Considered the submissions made and the contents of the case diary. Keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Armesh 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 and also considering the fact that there are chances of amicable settlement

between the parties as it is a matrimonial dispute, 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 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