

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1093 of 2017

- Arun Kumar Sao S/o Avdhut Sao, Aged About 36 Years, Occupation Government Service, Caste Teli, R/o Village Padigaon, Tehsil Pussore, District Raigarh, Chhattisgarh, Current R/o Sagar Tehsil and District Sagar, Madhya Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O., P. S. Pussore, District Raigarh, Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant – Shri Amit Sharma, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-02-2018

1. Apprehending arrest in connection with Crime No.71/2017, registered at Police Station – Pussore, District Raigarh, Chhattisgarh for offence punishable under Section 498(A) and 34 of the IPC, 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. Marriage of the applicant with the complainant took place on 12-07-2013. Initially residing for six months in Pussore the complainant left to reside with the applicant in Sagar where the applicant is serving as Professor in a college. After some dispute between the husband and the wife, the complainant/wife left this applicant and went to her maternal home and she is residing there since then. The applicant moved an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, in which, a compromise was arrived at between them on 07-10-2016. Subsequent to that, the complainant refused to live with this applicant, because of which, the applicant was compelled to file a petition for divorce before the

Family Court Sagar and pursuant to that the complainant has lodged false FIR on 04-05-2017 making false allegation of cruelty and demand of dowry against this applicant and others. Co-accused persons in this case have been granted anticipatory bail by the concerned Sessions Court. Thus, it is prayed that the applicant may also be granted anticipatory bail. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and the submission made. It is submitted that the complainant has categorically given statement against this applicant and in-laws of the complainant about demand of dowry from the complainant and subjecting her to torture and cruel treatment. Hence, he is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Facts of the case are briefly stated hereinabove.

6. Taking into consideration this fact that co-accused persons in this case have been benefited with grant of anticipatory bail, I am of this view that for this reason this applicant also deserves to be benefited with grant of anticipatory bail in the present matter.

7. Accordingly, the anticipatory bail 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 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge