

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1489 of 2018

- Chandan Sahu S/o Sheshram Sahu, Aged About 23 Years, R/o Village Baghoud, Police Station Dabhra, District Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tarbahar, Civil And Revenue District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Kamal Kishor Patel, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Shri Sushobhit Singh, Advocate for the objector/complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-12-2018

1. Apprehending arrest in connection with Crime No.310/2018, registered at Police Station – Tarbahar, District Bilaspur, Chhattisgarh for offence punishable under Section 498-A, 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The co-accused persons have been granted anticipatory bail by this Court and this applicant is also similarly placed. Although the FIR mentions about demand of dowry, but the proceedings recorded before the Family Counseling Center clearly shows that cause of dispute between the applicant and complainant was that the complainant had doubts that the applicant has illicit relation with other woman. Hence, no case is made out against this applicant. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear evidence regarding demand of dowry and cruel treatment given to the complainant, hence, no case is made out for grant of

anticipatory bail.

4. Learned counsel for the objector/complainant submits that the complainant is an orphan girl who has been disowned by her own family. The applicant is a person of doubtful character having illicit relation with other woman taking benefit of the desperate condition of the complainant. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. Marriage of the applicant with the complainant Sujata Sahu was performed on 02-02-2017. In the FIR it is alleged that while the complainant was residing in her matrimonial home she was subjected to torture and cruelty for various petty reasons and demand of cash and other things were also made from her. Hence, this case.

7. On perusing the case diary, it appears that regarding the cause of dispute between the applicant and the complainant there are contradictory statements. As the marriage is still existing and there is possibility of reconciliation, hence, keeping in view the guidelines laid down by Hon'ble the Supreme Court in case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge