

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1516 of 2018**

Sudesh Sarathe, S/o. Late Shri Ram Sarathe, Aged About 38 Years, R/o. House No. LIG/B/23, Sudhar Nyas Colony Vivekanand Nagar, Hoshangabad, Tehsil and District Hoshangabad M.P.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station Mahila Thana Raipur Chhattisgarh.

---- Respondent

For Applicant	: Dr. Sourabh Kumar Pandey, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/12/2018**

1. Apprehending arrest in connection with Crime No.18/2018, registered at Police Station – Mahila Thana, Raipur, District – Raipur (C.G.) for offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and Section 4 Dowry Prohibition Act, 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. No case is made out against the applicant according to the evidence present in the case diary. Complainant left her matrimonial home in October, 2016 and thereafter after passing of sufficient time, she filed written

complaint on 08.01.2017 making false allegation against the applicant and other co-accused persons on the basis of which FIR has been lodged on 26.03.2018, which shows that the case against the applicant is concocted. 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. According to the FIR lodged, the marriage of the applicant with the complainant Preeti Sarathe was performed on 22.02.2016. It is alleged that soon after the marriage, the applicant and others made demand of Rs.5.00 lakhs in cash and a Car from the complainant. On non-fulfillment of the demand so made, they subjected her with cruel treatment constantly, therefore, the complainant was compelled to move her matrimonial home on October, 2016, thereafter, written complaint has been lodged which is the basis of FIR registered against the applicant and others.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case 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 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