

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1543 of 2018

- Mohd Akhtar Mansoori S/o Sheikh Amanullah aged about 34 Years R/o Bania Tola, Kotma, Police Station- Kotma, District- Anuppur, Madhya Pradesh., District : Anuppur, Madhya Pradesh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Kharsia, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Surfaraj Khan, Advocate.

For Respondent : Mr. V.B. Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

04/12/2018

1. This is the second bail application of this applicant. His first application was dismissed as withdrawn with liberty to file duly constituted application. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.62/2018 registered at Police Station-Kharsia, District – Raigarh(C.G.), for the offence punishable under Sections 498-A, 406, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Infact applicant is preparing for UPSC examination, for which, he is residing in New Delhi. The

complainant was creating pressure on the applicant to take her with him to New Delhi which was denied, hence, the dispute arose between both of them because of which the complainant left her matrimonial home and started residing in her parental home where she has filed false complaint against the applicant and his family members making false allegation regarding demand of dowry which is not a fact. It is further submitted that co-accused person has been granted anticipatory bail by the Court below, hence, it is prayed that this applicant may also be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the complaint made there is clear allegation of demand of dowry and cruel treatment against the applicant and the co-accused persons in this case, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. Marriage of complainant with this applicant Zarinaz Ansari took place on 6.11.2016, it is alleged in the complaint that subsequent to the marriage the applicant and other in-laws of the complainant started treating the complainant with cruelty for demand of dowry because of which she was compelled to leave her matrimonial home. Hence, this case.
6. Considered on the material present in the case diary, and that similarly placed co-accused person has been granted anticipatory bail by the Court below as the allegation was general against all the accused persons. Hence, after due consideration, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is

directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge