

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1550 of 2018**

Rahul Pandey S/o Shri Nandkishore Aged About 32 Years R/o House No. 826 , New Shobhapur Colony , V.F.J. Factory, police Station Ranjhi, District : Jabalpur, Madhya Pradesh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Arvind Shrivastava, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 41 of 2018, registered at Police Station – Mahila Thana, District – Raipur, Chhattisgarh for the offences punishable under Sections 498A and 506/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant regarding the offence registered against him. Because of some petty

disputes, the complainant left her matrimonial home on 27.7.2017, but she kept silent for about 9 months and filed a written complaint on 7.4.2018. When the counseling took place, the complainant has clearly refused to come back and reside with the applicant which shows her intention to prosecute and persecute the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the statement given by the complainant, the applicant is not entitled for grant of anticipatory bail.

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

6. Marriage of the complainant with the applicant has taken place on 8.2.2015. It is alleged by the complainant that the applicant and the co-accused person used to torture the complainant for getting fulfilled the demand of dowry and the complainant was also subjected to threat by the applicant.

7. Considering the entire material present in the case-diary, and also keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273**, I am of the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge