

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1547 of 2018**

Dipesh Das, S/o. Shivdas, aged about 29 years, R/o. Quarter No.135/4,
Railway Colony, Durg, District – Durg (C.G.)

----Applicant**Versus**

State Of Chhattisgarh, Through : the Incharge, Mahila Thana, Durg,
District - Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate
For Respondent/State : Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/11/2018**

1. Apprehending arrest in connection with Crime No.18/2018, registered at Police Station – Mahila Thana, Durg, District – Durg (C.G.) for offence punishable under Section 498 (A), 509/34 of the Indian Penal Code (wrongly mentioned as 498, 509 (A)/34 of the Indian Penal Code), 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. There is no specific allegation against the applicant for commission of offence under Section 498-A of I.P.C. whereas, there is no evidence to support the registration of offence under Section 509 (b) of Indian

Penal Code. The only statement made by the complainant is this that this applicant made a statement before her that her husband has become monk, which does not amount to outraging her modesty. Therefore, it is prayed 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. Complainant Jayshri Manikpuri has lodged FIR alleging that she is married to the brother of this applicant and she had lived in her matrimonial home with her husband only for one month. Thereafter, her husband was residing in Bangalore. It is alleged that her in-laws used to make demand for dowry and torture her and the present applicant used to say that her husband has become a monk and also make some indecent gesture, which are not explained in her statement.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present on record and considering the facts and circumstances of the case, 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

Balram