

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1621 of 2018

- Deepak Soni S/o Shri Ramesh Soni, Aged About 35 Years, R/o Gali No. 6, New Ganpati Vihar, Changorabhata, P.S. D.D. Nagar, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Mahila Police Station Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Raza Ali, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-12-2018

1. Apprehending arrest in connection with Crime No.34/2018, registered at Police Station – Mahila Police Station, Raipur, District Raipur, Chhattisgarh for offence punishable under Section 3, 4 of Dowry Prohibition Act and 34 of 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. According to the contents of the FIR itself no case is made out against this applicant under Section 3, 4 of the Dowry Prohibition Act, whereas, the offence under Section 4 of the Dowry Prohibition Act is bailable, therefore, the applicant has apprehension of being arrested in this case. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the FIR lodged, it is alleged that this applicant and other co-accused persons made demand of Rs.3,50,000/- as dowry from the parents of complainant Jyoti Soni which was not fulfilled, therefore, the marriage

negotiation was broken. Hence, this case.

6. As Section 3 of the Dowry Prohibition Act provides for penalty in case of giving or taking dowry, which has not taken place according to the FIR lodged, even then the registration of the offence is there, therefore, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge