

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 45 of 2019

- Sahasram Sahu S/o Shri Chhatram Sahu, Aged About 29 Years, R/o Village- Post- Redha, Tahsil- Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Arakshi Kendra Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Mr. B.N. Nande, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-01-2019

1. Apprehending arrest in connection with Crime No.851/2018, registered at Police Station – Arakshi Kendra Sarangarh, District- Raigarh, Chhattisgarh for offence punishable under Section 498A/34 of the 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. No case is made out against the applicant. The complainant/wife of the applicant has left the matrimonial home on her own free will and lodged the false FIR against him because of some petty dispute. There had never been any demand of dowry on the part of the applicant and there are chances of conciliation. Therefore, the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. Marriage of the applicant with complainant took place on 25-04-2018. It is alleged in the written complaint dated 07-07-2018 that the grand mother-in-law of the complainant complained and taunted that the complainant is not a good cook and thereafter a demand of Rs.50,000/- was made from her for

expenses for repair of the house, which has not been met with, because of which she was compelled to leave her matrimonial home. Hence, this case.

6. After considering on all the facts and circumstances of this case and keeping in view the guidelines laid down by Hon'ble the 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, I am of this view that this applicant should be benefited with grant of anticipatory bail.

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