

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 158 of 2019**

Ashish Swarnkar, S/o. Prahalad Prasad Swarnkar, Aged About 32 Years,
R/o. Bazarpara Dhamdha, District Durg Chhattisgarh

----Applicant**Versus**

State Of Chhattisgarh, Through : District Magistrate, Kabirdham District
Kabirdham Chhattisgarh,

---- Respondent

For Applicant	: Mrs. Smita Jha, Advocate
For Respondent/State	: Mr. Aadil Minhaz, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/02/2019**

1. Apprehending arrest in connection with Crime No.615/2018, registered at Police Station – Kawardha, District – Kabirdham (C.G.) for offence punishable under Section 498(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. No case is made out against the applicant on the basis of the material present on record. The complainant herself had disclosed to the applicant just after marriage that she is having some affair with some other person because of which, she did not consummate the marriage and left the matrimonial home. The complainant has stayed in her matrimonial home only for 7 days and thereafter, she has left and has made false complaint, on the basis of which, FIR has been lodged against this applicant and other co-accused persons. The other co-accused persons have been benefited with grant of

anticipatory bail by this Court. Therefore, it is prayed that the applicant may also 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. It is submitted that according to the evidence present in the case diary, clear case is made out against this applicant, therefore, this applicant is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The marriage of this applicant with the complainant Smita Soni took place on 15.07.2018. The complainant left her matrimonial home on 23.07.2018 and thereafter, she filed a written complaint on 30.08.2018 on the basis of which FIR has been lodged on 02.12.2018. She has alleged that this applicant and other co-accused persons used to torture and treat her with cruelty for the reasons that she has not brought car in dowry and they were also making demand for the car. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case diary and further taking into consideration this fact that the other co-accused persons have been benefited with grant of anticipatory bail by this Court, who appears to be similarly placed and further keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Armesh 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, 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 applicants 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