

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 184 of 2019**

Suraj Tiwari, S/o. Anirudh Tiwari, Aged About 28 Years, R/o. Road No. 4, Sector-1, Professor Colony, Raipur Police Station Purani Basti, Raipur Tahsil and District Raipur Chhattisgarh. Mob. No. 9827114308.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Purani Basti, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Y.C. Sharma, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, P.L.
For Objector	: Mr. Raghavendra Pradhan, Advocate with Ms. Pushpalata Khalkho, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/03/2019**

1. Apprehending arrest in connection with Crime No.349/2018, registered at Police Station – Purani Basti, Raipur, District – Raipur (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 in the case diary. There is no such allegation made in the FIR lodged and the statement given by the witness that the applicant or the others have made any demand of dowry. Father of this applicant had of course requested the father of the complainant to arrange for loan of Rs.2.00 lakhs for him and rest of the story is made up, because of

the dispute between both the parties. Therefore, it is prayed that 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. It is submitted that the applicant and others were demanding dowry in garb of loan, therefore, the application be rejected.
4. Counsel for the objector after adopting the argument advanced by the State counsel submits that this applicant had actively participated in the commission of offence in supporting demand of money made by his father, therefore, he is not entitled to be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Marriage of the complainant Priyanka Tiwari with this applicant took place on 22.04.2016. It is alleged that just after one year of marriage, father of this applicant asked the complainant to get arranged Rs.1.00 lakhs as loan from her father, which was arranged but never returned by him. Thereafter, again demand of Rs.2.00 lakhs was made from the complainant, asking her to arrange as a loan from her father and when her father refused, the complainant was forced to leave her matrimonial home. Hence, this case.
7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, the allegation is mainly against father of this applicant that he was asking for arranging loan for him and on refusal, he has tortured the complainant, therefore, looking to the particulars of allegation i.e.

targeted against this applicant, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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