

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 283 of 2019**

Shahrukh Khan S/o Firoz Khan Aged About 26 Years R/o Moti Para, Beside Of Gujrati Dharamshala, Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana, Sector-06, Bhilai, District Durg Chhattisgarh (District Magistrate), District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri T.K. Jha, Advocate.
For the Respondent/State : Smt. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 23 of 2018, registered at Police Station Mahila Thana, Sector 6, Bhilai, District Durg, Chhattisgarh for the offence punishable under Sections 498A/ 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.
3. It is submitted by 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 placed before the Court by the prosecution. In fact, the wife of this applicant, who is complainant in this case has suspicion that this applicant is having illicit relation with his own maternal aunt which is totally a false allegation, because this applicant respects her as her own parent. This is reflected from the notes of the counseling procedure also. The complainant has also made false allegation that the applicant has divorced her, which has been confirmed to be false from the statement of Molvi, which has been recorded by the police. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant has alleged that the applicant ignored her and treated her with cruelty since the date of her marriage. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. Marriage of the applicant with complainant – Aliya Khanam took place on 21.6.2018. It is alleged that soon after the marriage the complainant was tortured for demand of dowry and also for the reason that the applicant did not like her. It is also alleged that the applicant has divorced her and refused to cohabit with the complainant. Hence, this case.

7. On perusing the copy of the proceedings of Counseling Committee, it appears that the allegations in the FIR are not the part of the notice of the

concerned committee and it is also mentioned in the notice that the divorce has not taken place between the applicant and the complainant therefore, it appears that there may be a chance for settlement. Hence, under these circumstances, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge