

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 424 of 2019**

Shiva Manhar, S/o. Chandrasen Manhar, Aged About 31 Years, R/o. D. D. Nagar, Sector-1, Tahsil and District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station D. D. Nagar, District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. T.K. Jha, Advocate
For Respondent	: Mr. I. Lakra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****27/03/2019**

1. Apprehending arrest in connection with Crime No.50/2019, registered at Police Station – D.D. Nagar, 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. After marriage when the complainant came to know that the applicant and his family have converted Christian religion, matrimonial dispute arose between them. Therefore, she left the matrimonial home in the month of October, 2017 and after passing of about more than one year, she has lodged FIR, which is totally false. It is mentioned in the note-sheet of the counseling procedure also that the applicant and the victim do not want to live with each other on account of their matrimonial dispute. There is evidence

that the complainant was suffering from depression because of which, she has attempted to commit suicide on one occasion and the applicant got her treated for her depression. Therefore, under these circumstances, there is no case of cruel treatment or demand of dowry. 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.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Marriage of the applicant with complainant took place on 08.01.2017. In FIR lodged, it is alleged that in-laws of the complainant were making demand of Rs.5.00 lakhs and because of that she was subjected to cruel treatment. Therefore, she has left the matrimonial home and residing in her parental house. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering the evidence against this applicant, 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 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

Balram