

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 717 of 2019

- Prakash Sahish, S/o Late Kamal Singh Sahish, Aged About 28 Years, R/o Ward No. 10, Bhogahapara, Shivrinarayan, Tahsil - Nawagarh, District -Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Shivrinarayan, District-Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Malay Shrivastava, Advocate.

For Respondent : Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

01/08/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.98/2019 registered at Police Station- Shivrinarayan, District-Janjgir-Champa(C.G.), for the offence punishable under Section 498-A, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The complainant has made a vague allegations against the applicant regarding torture and cruel treatment whereas there is no statement about any demand of dowry made. Applicant wants the marital dispute to be settled. The FIR has been lodged before the completion of counseling procedure, which is going on, hence, it is prayed that he may be enlarged on anticipatory

bail.

3. Learned State counsel opposes bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, the applicant got married to the complainant Dhaneshwari on 3.5.2017. It is alleged that the applicant used to torture her for the reason that he was not satisfied with the dowry brought by her in her marriage and the complainant was driven out for her matrimonial home on 3.3.2019 after assaulting and beating her for demand of dowry, and then the FIR has been lodged on 3.4.2019.
6. Considering that no counseling procedure has taken place before the lodging of FIR and also keeping in view the law laid down by the Hon'ble Supreme Court in the matters of ***Arnesh Kumar vs. State of Bihar*** reported in **(2014) 8 SCC 273**, and ***Rajesh Sharma vs. State of Uttar Pradesh and Ors*** reported in **(2017) 8 SCALE 313**, I am of this opinion that applicants deserve to be benefited with grant of anticipatory bail.
7. 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 his executing a personal bond in the 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.

Sd/

(Rajendra Chandra Singh Samant)
Judge

Nisha