

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 811 of 2019

- Vikas Agrawal S/o Late Hari Prasad Agrawal, Aged About 34 Years, R/o Ward No.7, Baradwar, Police Station- Baradwar, Tahsil- Sakti, Civil And Revenue District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station-Baradwar, Tahsil- Sakti, Civil And Revenue District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Parasmani Shriwas, Advocate.

For Non-applicant/State – Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-06-2019

1. Apprehending arrest in connection with Crime No.73/2019, registered at Police Station – Baradwar, District- Janjgir-Champa, Chhattisgarh for offence punishable under Section 498(A), 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant and the co-accused persons have never demanded any dowry from the complainant. It was a simple case of matrimonial discord between the applicant and his wife, the complainant, which has been exaggerated in the FIR lodged as a case of demand of dowry and torture. Similarly placed co-accused persons have been granted anticipatory bail by this Court. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application and submits that the complainant has made clear statement regarding demand of dowry and torture given to her for fulfillment of the same. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, the marriage of the complainant with this applicant took place on 24-02-2016. It is alleged that soon after the marriage this applicant and other co-accused persons started treating the complainant with cruelty for fulfillment of demand of dowry. Hence, this case.

6. On perusal of the case diary, it appears that earlier in the counseling proceeding that had taken place the applicant and the complainant both had made statement regarding their grievances and in the statement of the complainant there was no grievance regarding any demand of dowry and cruel treatment. Therefore, after overall consideration, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil