

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1037 of 2019

- Rajendra Singh Bindra S/o Shri H.S. Bindra, Aged About 38 Years, R/o R.I.S. Colony, Bacheli, Police Station Bacheli, District Dantewada Chhattisgarh., District : Dantewada, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Mahila Thana, District Durg Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Akash Kumar Kundu, Advocate.

For Non-applicant/State – Shri Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-08-2019

1. Apprehending arrest in connection with Crime No.32/2019, registered at Police Station – Mahila Thana, Durg, District Durg, Chhattisgarh for offence punishable under Section 498-A 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 complainant Resham Bindra got married in the year 2015 and one girl child was born to them in the year 2016. The complainant and the applicant both had some dispute because of which the applicant started living separately with his wife, the complainant from March 2018, however, the matrimonial discord continued because of which a complaint was given to the police station on 15-01-2019 on the basis of which counseling proceedings were taken up which did not end in any result, thereafter the complainant has lodged totally false FIR alleging false allegation against the applicant. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, it is alleged that soon after the marriage the applicant and others started making demand of dowry from the complainant and treated her with cruelty on various pretext, regarding which the FIR has been lodged.

6. After perusing the copy of documents of counseling proceedings in which there is no mention of demand of dowry and also appears that there is possibility of compromise between the applicant and the complainant, hence, for this reason keeping in view the guidelines laid down by Hon'ble the Supreme Court in case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273, and **Rajesh Sharma & Ors. Vs. State of U.P. & Ors.**, reported in 2017 (8) SCALE 313, I am of this view that the applicant should be benefited with grant of anticipatory bail.

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