

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1038 of 2019

- Sanjay Pandey S/o Late Dayashankar Pandey Aged About 40 Years
Caste- Bramhan, R/o Village- Karmha, Police Station- Dhourpur, Tahsil-
Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station-
Vishrampur, District- Surajpur, Chhattisgarh.

---- Respondent -

For Applicant : Mr. V.K. Pandey, Advocate.
For Respondent : Mr.Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

09/08/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.118/2019 registered at Police Station- Vishrampur, Distt-Surajpur, Chhattisgarh for the offence punishable under Sections 498-A & 506/34 of IPC.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The complainant in this case has made totally false complaint after passing of 5 years since the marriage has taken place. The applicant and the complainant both have two children out of the wedlock and there is the possibility of compromise, 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. It is submitted that the applicant had already received a number of articles in dowry and even then he is making further demands for which he has tortured the complainant, therefore, application be rejected.

4. Heard both the parties and perused the case diary.
5. According to the prosecution case, marriage of the complainant with applicant took place in the year 2014. After passing of one year, the applicant and other in-laws of the complainant started making demand of dowry and for the fulfillment of the same, the complainant was treated with cruelty and was subjected to torture, thereafter, the FIR has been lodged on 28.4.2019. Hence, this case.
6. Considering that the sufficient time has passed after marriage and the applicant and the complainant both have two children out of this wedlock. There is possibility of the settlement of dispute between both of them 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha