

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1279 of 2019

- Bedprakash S/o Rameshvar Prasad Aged About 28 Years Caste Patel, R/o Village Parsadakala, Police Station Baradwar, Tahsil Sakti, District Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Janjgir-Champa, Chhattisgarh Through Police Station Baradwar, District Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant	: Mr. Deepak Kumar Singh, Advocate.
For Respondent/State	: Ms. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/10/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 238/2018, registered at Police Station Baradwar, Distt. Janjgir Champa, Chhattisgarh for the offence punishable under Section 498-A/34 of the IPC.
2. As per prosecution story, marriage of the complainant Khushbu Bai with present applicant was solemnized on 06.05.2017. It is alleged that soon after the marriage, the applicant ill-treated the complainant for demand of dowry and started making demand of Motor-cycle, fridge, cooler and gold ornaments etc. from the complainant and

ultimately she was driven out from her matrimonial home on 20.07.2017. The FIR has been lodged on 16.09.2018, on the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated by the complainant in the present case. He further submits that totally false allegations have been made by the complainant against the applicant as well as other co-accused persons, all the allegations are general in nature. The complainant herself does not want to reside with her husband, therefore, she left the house. It is further submitted by the learned Counsel for the applicant that FIR has been lodged after one year and the delay has not been properly explained by the prosecution. He lastly submits that co-accused persons namely Rameshvar Prasad Patel, Smt. Sumitrabai Patel and Mordhavaj Patel have already granted benefit of anticipatory bail by this Court vide order dated 03.01.2019 passed in MCRCA no. 1593/2019. The applicant is a reputed person of his society, he is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that co-accused persons namely Rameshvar Prasad Patel, Smt. Sumitrabai Patel and Mordhavaj Patel have already granted benefit of anticipatory bail by this Court. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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/-

(Arvind Singh Chandel)
Judge