

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1645 of 2018**

Mudassar @ Mudassar Haider Jafri, S/o. Izhar Ul Hussain Jafri, Aged About 31 Years, R/o. 12, behind the Magneto Mall Talapara Kabadiyo Ki Line, Bilaspur, police Station Civil Line District Bilaspur Chhattisgrh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station Civil Line District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mrs. Naushina Afrin Ali, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**02/01/2019**

1. Apprehending arrest in connection with Crime No.957/2018, registered at Police Station – Civil Line, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 498-A, 343, 323, 294, 506 read with Section 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The marriage of the applicant and the complainant -Gulezehra took place on 30.12.2017, which was a love marriage and there had been no demand of dowry of other things from the

complainant or her parents. The applicant and the complainant had some dispute for the reasons that the complainant wanted to reside separately from her in-laws because of which, she left her matrimonial home and went to Indore her parental house and it is from there she has lodged FIR making totally false allegation against the applicant and other co-accused persons. The other co-accused persons have been benefited with the grant of anticipatory bail by the Court below. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that serious allegation has been made by the complainant against the applicant and other co-accused persons, regarding demand of dowry and cash and also regarding the cruel treatment given to her, therefore, the applicant is not entitled for grant of anticipatory bail.
4. Counsel for the objector submits that the allegation made against the applicant is very specific regarding demand made, which were fulfilled by the parents of the complainant. Documents have been filed along with the objection. Therefore, particularly this applicant is not entitled to be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. After performance of marriage of the complainant and this applicant, the complainant left her matrimonial home in August, 2018 and went to reside in her parental house at Indore from where she has lodged FIR against the applicant making allegation of cruel

treatment and demand of dowry against this applicant as well as other co-accused persons. Hence, this case.

7. On perusal of the case diary and all the documents that has been attached with this application regarding the conversation on social media between the applicant and his wife, the complainant, I am of this opinion that there is possibility of settlement between both the parties. Hence, after due consideration of all the material present in the case and also keeping in view the guidelines laid down by the Hon'ble 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, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram