

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 83 of 2019**

Sonu Saluja, S/o. Late Harbhajan Singh Saluja, Aged About 34 Years, R/o. Ward No. 08, Bagbahara, P.S. and Tahsil Bagbahara, District Mahasamund Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Bagbahara, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shubham Tripathi, Advocate
For Respondent/State	: Mrs. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/02/2019**

1. Apprehending arrest in connection with Crime No.314/2018, registered at Police Station – Bagbahara, District – Mahasamund (C.G.) for offence punishable under Section 294, 498(A), 506B, 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 on record. The complainant herself was not willing to live in her matrimonial home because of which, she has left her matrimonial home in the very next year and because of the efforts made by the

applicant and his family, the complainant again came back to reside in her matrimonial home, but she has finally left on 18.10.2018 and thereafter has made false complaint on 30.11.2018 making false allegation. The co-accused persons have been enlarged on anticipatory bail by the trial Court. Therefore, it is prayed that the applicant may also 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 according to the statement given by the complainant and the evidence present on record in this case, this applicant is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The marriage of the complainant with this applicant took place on 04.12.2015. It is alleged in the FIR lodged that soon after the marriage, the applicant and the in-laws of the complainant started torturing and treating with cruelty the complainant for the reasons that dowry given was not sufficient according to their wishes and they had further demand of Rs.2.00 lakhs. Thereafter, the FIR has been lodged on 30.11.2018.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case and taking into consideration the fact that similarly placed co-accused persons have been enlarged on anticipatory bail 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 applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 applicants 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