

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1735 of 2018

- Ramraj Sahu S/o Ganpat Sahu Aged About 66 Years R/o Daldal Ward No. 8 Bijuri Tehsil Bijuri District- Anuppur, Madhya Pradesh., District : Anuppur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Sho Police Station Manila Thana Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant : Mr. Vijay Kumar Sahu, Advocate.
For Respondent : Mr. Lav Sharma, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

08/01/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.23/2018 registered at Police Station Mahila Thana, Ambikapur, District – Surguja (C.G.), for the offence punishable under Sections 498A, 294, 506, 323, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against the applicant. The applicant himself had surrendered to the wishes of his complainant-wife and resided in her parental place where he

started his own business, but when the applicant made clear his intention that he wants to go back to his parents place, the complainant refused to accompany him and started making false allegations against him. This fact has been observed by the Family Court, Ambikapur in the order passed in Civil Suit No.15A/2018, hence, it is prayed that applicant may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there are clear allegation against the applicant that he had tortured the complainant for demand of dowry, hence, the application is liable to be rejected.
4. Heard both the parties and perused the case diary.
5. Marriage of applicant with complainant was solemnized on 19.5.2013. The complainant started residing with her parents from 19.4.2017. It is alleged that in the intervening period applicant was continuously torturing the complainant for demand of cash dowry of Rs. 3 lakhs. Hence, this case.
6. After overall consideration of the material present in the case diary and 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 applicant deserves 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