

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 266 of 2020**

- C. H. Kishor Kumar S/o Late C.H. Rajarao, Aged About 34 Years
R/o Kenal Street, Get Bazar, Near Amit Hospital, Barhampur,
District Ganjam (Udisa) District : Ganjam, Orissa

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police
Station Mahila Thana, Raipur, District Raipur Chhattisgarh

---- Respondent

For Applicant	Mr. CK Kesharwani, Advocate
For Respondent/State	Mr. Alok Bakshi, Additional Advocate General

Proceedings through Video Conferencing**SB.: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****18/6/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.4/2020, registered at Police Station- Mahila Thana,

Raipur, District Raipur (CG) for the offence punishable under Sections 498-A, 34 of the IPC and Section 4 of the Dowry Prohibition Act.

3. Although there are allegations by the complainant that a sum of Rs.2.5 lakhs was paid at the time of her marriage with the applicant but it is also true that the marriage had taken place on 12.12.2013, whereas, the amount was paid on 10.10.2013. The bail rejection order passed by the Sessions Court also reflects that for 1 ½ years prior to the date of FIR, the complainant was residing separate from her husband (applicant). Thus, there appears considerable delay in lodging the FIR and moreover, they stayed together for about 5-6 years.
4. Considering the material available in the case diary, as informed by learned counsel for the State, I am of the opinion that present is a fit case, in which, the applicant should be extended the benefit of Section 438 of Cr.P.C.
5. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) he shall make himself available for interrogation by a Police Officer as and when required;

(ii) he 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 for disclosing such facts to the Court or to any Police Officer.

6. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)
Judge

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