

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 799 of 2020

Dhaneshwar Giri S/o Rathiya Giri Aged About 37 Years R/o Village
Sohga, P.O. Karaji, P.S. Darima, District Surguja, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station
Charcha Kalri, Civil And Revenue District Korla, Chhattisgarh

---- Respondent

For Applicant	: Ms. Seema Singh, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

31.08.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this **First 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.05/2020**, registered at Police Station: Charcha Kalri, District: Korla (C.G.) for the offence punishable under Section 498-A/34 of IPC.
3. In this case there are total 03 accused persons. The Applicant herein, is the husband of the complainant, their marriage solemnized on 12.01.2012, out of their wed-lock, two children were born. According to the case of prosecution, on 14.01.2020, a report has been lodged by the complainant alleging therein that, after her marriage the present Applicant as well as other co-accused persons continuously ill-treated her on account of demand of dowry. On the basis of said, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. Virtually, the complainant herself doesn't wanted to live with the family members of

the present Applicant. The complainant insisted the present Applicant and they resided separately from the month of August, 2019. Thereafter, on 14.01.2020, FIR was lodged i.e. after 05-06 months, to create pressure upon the Applicant. He further submits that other co-accused persons have already been granted benefit of anticipatory bail by this Court earlier therefore, he prays for grant of anticipatory bail to the Applicant.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. 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