

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 849 of 2020

Dinesh Sahu S/o Faguram Sahu, Aged About 27 Years R/o Shankar Nagar, New Khurshipar, Bhilai, Tehsil And District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

02.09.2020

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.26/2020**, registered at Police Station: Khurshipar, District: Durg (C.G.) for the offence punishable under Section 498-A, 506/34 of IPC.
3. In this case the complainant of the case is the wife of the present Applicant. Their marriage solemnized on 05.02.2018. According to the case of prosecution, on 20.12.2019, a report has been lodged by the complainant alleging therein that, after her marriage the present Applicant as well as other co-accused persons ill-treated her on account of demand of dowry due to which she was brought back to her paternal house on 18.10.2019. 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 therefore, she left her house on her own will on 18.10.2019. He further submits that to bring her back, the Applicant preferred an application under Section 09 of the Hindu Marriage Act on 09.11.2019 also, thereafter, complainant has made false and fabricated report against the Applicant to create pressure upon the present Applicant. He lastly submits that co-accused persons i.e. Father-in-law and Mother-in-law of the complainant have been already granted benefit of anticipatory bail by this Court vide order dated 17.06.2020 passed in MCRCA No.219/2020, 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, particularly considering the fact that co-accused persons have been already granted benefit of anticipatory bail by this Court, 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

Saurabh