

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1728 of 2019**

- Prateek Mishra S/o Shivshankar Mishra Aged About 42 Years Caste - Bramhan, R/o Infront of Tehsil Officer Gaurela, Dist. - Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Gaurela, Dist. - Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Rakesh Pandey, Advocate.

For Respondent/State : Shri Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****22/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 285/2019 registered at Police Station Gaurela, District – Bilaspur, (C.G.) for the offence punishable under Sections 498-A, 34 of Indian Penal Code.
2. As per the prosecution story, marriage between applicant and complainant Lovely Singh was solemnized in the year 2012 and out of their wedlock one child was born who is living with the complainant. Complainant is a Sub-Engineer posted at Marwahi. On 24.09.2019 complainant lodged a report alleging therein that after her marriage, she was subjected to cruelty on account of demand of dowry by present applicant and other family members. They used to harass and torture her mentally and physically. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that both complainant and applicant have performed inter-caste marriage, so, no case of dowry demand is made out against applicant. Both are also employed person and their work place is different so, they are residing separately. It is further submitted that complainant is a literate person and a Government Officer. Her marriage was solemnized in the year 2012 and if she was subjected to cruelty for demand of dowry, then, she should have lodged the report earlier. It is further submitted that co-accused persons have already been granted anticipatory bail by the Sessions Court, therefore, it is prayed that present applicant may also be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that co-accused persons have already been granted benefit of anticipatory bail by the Sessions Court, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) 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/her from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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