

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 379 of 2021**

- Ashish Singh Gour, S/o Late Dinesh Singh Gour, Aged About 35 Years R/o Ward No. 46, Quarter No. 06, Janta Quarter, Padnabhpur Durg Tahsil And District - Durg Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Mahia Thana Durg District - Durg Chhattisgarh.

---- Respondent

For Applicant : Shri Rajesh Kumar Kesharwani, Advocate

For Respondent/ State : Shri Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/07/2021**

- This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 17/ 2021 registered at Police Station Mahila Thana, Durg District Durg, C.G. for the offence punishable under Sections 498-A, 34 of I.P.C.
- As per the prosecution case, a report was lodged by Shri Kamini Thakur alleging that she was married to the present applicant on 07.07.2019 and after the marriage demand of dowry was made and she was humiliated and abused which has caused mental cruelty and eventually the report was made.
- Learned counsel for the applicant would submit that on a trivial issue the

report has been made which would be evident from the counseling statement recorded of the wife of the applicant and no demand of dowry was made by the applicant, therefore the applicant may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. During the course of the argument, the statements recorded during the counseling was read. After going through the statement of the wife during the counseling and *prima facie* taking into the fact that only ominous allegations have been made, I am inclined to allow this anticipatory bail application.
6. Accordingly, the anticipatory bail 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 executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) that the applicant shall make himself available for interrogation before the investigation 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/-

Goutam Bhaduri
Judge

Jyoti