

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 423 of 2021**

- Sandeep Kumar Singh S/o Pramod Kumar Singh Aged About 33 Years R/o 93 Shanti Nagar Dundera, P.S. Utai, Tahsil And District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Mohan Nagar, Tehsil And District Durg (Chhattisgarh)

---- Respondent

For Applicant : Shri B.P. Singh, Advocate

For Respondent/ State : Shri Rahul Jha, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****03/09/2021**

1. This is the bail application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 33/2021 registered at Police Station Mohan Nagar, Tehsil and District Durg, C.G. for the offence punishable under Sections 498 (A)/34 of IPC and Section 4 of the Dowry Provision Act.
2. As per the prosecution case, the applicant Sandeep Kumar Singh was married to Jayshree on 19.04.2016, thereafter it is alleged that the applicant after consuming liquor and cannabis used to torture her and demanded dowry which was added by the mother of the applicant Rajkumari and thereafter a report was lodged on 29.01.2021 by the wife.

3. Learned counsel for the applicant would submit out of wedlock of the applicant and the complainant one son and daughter is born and considering their future he would make all efforts to reconcile the dispute. He further submits that the father of the applicant Pramod Kumar Singh has also placed his affidavit on record wherein he has stated that he will make all efforts to reconcile the dispute, so that the future of the children are not effected, 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. Heard learned counsel for the parties and perused the documents.
6. Considering the submission made by the applicant and the affidavit of Pramod Kumar Singh and further taking into the over all facts and the fact that there are two children out of the wedlock and further considering the nature of allegation, at this stage, I am inclined to allow this anticipatory bail application of the applicant. It is further observed that Pramod Kumar Singh and his son shall act according to the statement made in the affidavit in its true spirit, otherwise it would always be open for the complainant to file for cancellation of bail
7. 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. 50,000/- 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 if further 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