

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 73 of 2019**

Kirtan, S/o. Virendra Kumar Kaiwart, Aged About 30 Years, Caste Kewat,
R/o. Village Sekhwa, Police Station Pendra, District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through The Police Station Pendra District Bilaspur
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Abhisek Pandey, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****31/01/2019**

1. Apprehending arrest in connection with Crime No.108/2018, registered at Police Station – Pendra, District – Bilaspur (C.G.) for offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present on record. The complainant/wife of this applicant has left her matrimonial home since year 2015 on account of some dispute. She kept silent for almost three years and then has lodged FIR on 24.03.2018 coming forward with new story to make case

sensational making false allegation regarding demand of dowry. Two other co-accused persons have been enlarged on anticipatory bail. Therefore, it is prayed that the applicant may also be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is clear allegation regarding demand of dowry and cruel treatment against the applicant and others, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Applicant and the complainant Yashoda Kewat got married in the year 2012. It is alleged that as the motor cycle was not given in dowry, the complainant was regularly beaten and tortured by the applicant and in her in-laws. It is also alleged that the applicant has illicit relationship with some other woman. The complainant left matrimonial home in the year 2015 and then after passing of about three years, FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case and taking into consideration the fact that similarly placed co-accused persons have been enlarged on anticipatory bail and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Armesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating 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 him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge