

**(2018) 07 CHH CK 0169**

**Chhattisgarh High Court**

**Case No:** MCRCA No. 657 Of 2018

Sushrut Das

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** July 3, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 498A
- Code Of Criminal Procedure, 1973 - Section 438

**Hon'ble Judges:** Goutam Bhaduri, J

**Bench:** Single Bench

**Advocate:** Virat Verma, SRJ Jaiswal

**Final Decision:** Allowed

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### **Judgement**

Goutam Bhaduri, J

1. 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.15/2018 registered at Police Station Mahila Thana, Raipur, Civil and Revenue District Raipur for the offence punishable under Sections

498-A, 34 I.P.C.

2. As per the prosecution case, the complainant Swati Das was married to the present applicant on 03.07.2017 thereafter it is alleged that she was

subjected to cruelty for demand of dowry and the applicant was not working also and the false averments were made at the time of marriage. In order

to continue the life, demand of money was made and the complainant was subjected to assault.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the applicant wanted to keep the wife but the wife/complainant has refused on the false allegations, 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. Perused the statement of the complainant as also the father Prem Kumar Mishra, wherein the omnibus general allegations have been made. The documents of counseling also perused, wherein the applicant stated that he wanted to keep the wife with him. Considering the nature of allegations and the relations inter se, 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.