

Navin Dahraji vs State Of Chhattisgarh on 31 May, 2024

Author: Naresh Kumar Vyas

Bench: Naresh Kumar Vyas

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NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 583 of 2024

- Navin Dahraji S/o Late Sitaram Dahraji Aged About 30 Years
Resident Of Behind Police Station, Abhanpurbasti, Abhanpur, District
Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Mahila Thana, Raipur, District Raipur (C.G.)

---- Non-Applicant

For Applicant : Mr. Ravipal Maheshwari, Advocate
For State : Mr. Sunita Manikpuri, Dy. Govt. Advocate

Hon'ble Shri Justice Naresh Kumar Vyas
Order On Board

31/05/2024

1.

This is the first bail application filed is application under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail, who has apprehension of being arrested in connection with Crime No. 58/2024, registered at Police Station- Mahila Thana Raipur, District Raipur (C.G.) for the offence punishable under Sections 498-A of IPC.

2. Case of the prosecution, in brief, is that victim/complainant has lodged a report in the concerned Police Station on 12.05.2022 alleging that the applicant has harrassed and tortured her for demand of dowry thereafter, she left her matrimonial house and is residing in her parental house. On the basis of the report, F.I.R. was registered against him.

3. Learned counsel for the applicant would submit that the applicant is innocent and he has been falsely implicated in the crime in question. He would further submit that the applicant has neither harrassed nor tortured victim. He further submits that though the applicant has shown his willingness to take her back to her matrimonial house but, she refused to reside with him. Therefore, the applicant may be granted benefit of anticipatory bail.

4. On the other hand, learned counsel for the State opposes the application for bail and would submit that the offence u/s 498-A IPC is correctly made out inasmuch as, it was the applicant who harrassed and tortured the victim for demand of dowry. Hence, the offence under 498-A IPC is made out against the applicant and would pray for rejection of the bail application.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration facts and circumstances of the case, nature of allegation, submission made by learned counsel for the applicant and the fact that applicant has shown his willingness to take her back to her matrimonial house, therefore, I am inclined to extend the benefit of anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory 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 Applicant shall also abide by the following conditions :

(i) that the applicant shall make himself available for interrogation before the concerned police officer as and when required;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat undue influence to the prosecution witnesses;

(iii) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

1. Sd/-

2. (Narendra Kumar Vyas)

1. Judge Shayna