

(2022) 03 CHH CK 0012

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (Anticipatory Bail) No. 152 Of 2022

Nimish Kumar Ramteke

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 07-03-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 323, 354, 377, 498A, 506
Dowry Prohibition Act, 1961 — Section 3, 4

Citation : (2022) 03 CHH CK 0012

Hon'ble Judges : Deepak Kumar Tiwari, J

Bench : Single Bench

Advocate : Shishir Dixit, B. P. Banjare, Akath Kumar Yadav

Final Decision : Allowed

Judgement

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the accused/applicant for grant of anticipatory bail in connection with Crime No.35/2022 registered at Police Station Supela, Bhilai, District Durg for the offence punishable under Sections 498-A, 377, 354-A, 506, 323 & 34 IPC and Section 3 & 4 of the Dowry Prohibition Act.

2. As per the prosecution story, the marriage of the complainant was solemnized with the brother of the present applicant on 20.05.2019. It was alleged that after 3 months of the marriage complainant's brother-in-law – present applicant, father-in-law, mother-in-law and her husband harassing her, demanding dowry from her and her husband committed unnatural sex with her. It was alleged against the present applicant that that on 03.10.2021 when the prosecutrix was alone, the applicant grabbed her from back and tried to outrage her modesty. She also informed to her husband and in-laws about the said act but nothing has been done. Thereafter, the FIR was lodged and offences were registered against the present applicant and his family members.

3. Learned counsel for the applicant submits that the applicant is innocent has

been falsely implicated in the crime in question. He submits that the applicant is married person and has 5 years old daughter and he has never made any demand of dowry and the story of outraging the modesty of the prosecutrix is totally false and fabricated. In support of the applicant, his wife has also filed affidavit. He further submits that the present applicant is working as Manager in Bhilai Steel Plant and because of the false allegation and FIR his career is affected. The incident was happened on 03.10.2021 but she made the said complaint after 3 months. Furthermore, he submits that the anticipatory bail has been granted by the Court below to the father and mother of the applicant. Therefore, considering all these aspects, if the present may be set at liberty by granting anticipatory bail, he would abide by all terms and conditions imposed on him while granting bail.

4. Per contra, learned State counsel opposes and counsel for the objector strongly opposes the prayer for bail and submits that considering the accusation against that present applicant, his anticipatory bail application is liable to be rejected.

5. Considering the submission made by learned counsel for the parties, facts and circumstances of the case particularly, considering that the specific incident as alleged was happened on 03.10.2021 but the complaint was lodged very belatedly, this Court is of the opinion that accused/ applicant can be granted anticipatory bail.

6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, on furnishing a personal bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the arresting Officer, he shall be released on bail on the following conditions:-

(a) he shall make himself available for interrogation by a police officer as and when required,

(b) he 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 from disclosing such fact to the Court or to any police officer,

(c) he shall not act in any manner which will be prejudicial to fair and expeditious trial,

(d) after filing of the charge-sheet, he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,

(e) he shall not involve himself in any offence of similar nature in future