

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 715 of 2015

1. Hemlal Chouhan S/o Munuram Aged About 42 years (Kotwar) R/o Village- Basnajhar, Police Station- Kharsia, Tahsil- Kharsia, District- Raigarh, Chhattisgarh
2. Smt. Suman Lata Chouhan W/o Hemlal Aged About 33 Years R/o Village- Basnajhar, Police Station- Kharsia, Tahsil- Kharsia, District- Raigarh, Chhattisgarh
3. Mantaram Chouhan S/o Jhaduram Aged About 30 Years R/o Village- Kosampali, Police Station- Kotraroad, Raigarh, Tahsil And District- Raigarh, Chhattisgarh
4. Dwas Ram Chouhan S/o Jhaduram Aged About 58 Years R/o Village- Kosampali, Police Station- Kotraroad, Raigarh, Tahsil And District- Raigarh, Chhattisgarh
5. Nirtin Chouhan W/o Dwas Ram Aged About 58 Years R/o Village- Kosampali, Police Station- Kotraroad, Raigarh, Tahsil And District- Raigarh, Chhattisgarh
6. Ravi Shankar Chouhan S/o Dwas Ram Aged About 35 Years R/o Village- Kosampali, Police Station- Kotraroad, Raigarh, Tahsil And District- Raigarh, Chhattisgarh
7. Rashmi Chouhan W/o Ravi Shankar Aged About 35 Years R/o Village- Kosampali, Police Station- Kotraroad, Raigarh, Tahsil And District- Raigarh, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station- Kotra Road, District- Raigarh, Chhattisgarh

---- Respondent

Shri Manoj Jaiswal, counsel for the applicant/s.
Ms. Shubha Shrivastava, Panel Lawyer for the State.

Order On Board

13/08/2015

Heard.

The applicants are apprehending their arrest in connection with Crime No.203/15 registered at police station – Kotra Road, Distt. - Raigarh, CG for alleged commission of offence under Section 498-A, 34 of IPC.

2. Prosecution case is that after solemnization of marriage on 25/05/14, complainant was being harassed and subjected to cruelty in connection with demand of Rs.1 Lakh

and a motor cycle. It is the case of the prosecution that the complainant was beaten up also.

3. Learned counsel for the applicant submits that the reason for dispute is not the one as alleged by the complainant. The complainant is not willing to reside in the joint family and was insisting for separate house. It is next contended that the complainant went back to parental house in the month of August, 2014 whereafter, a community meeting was called in which, conciliation failed and FIR was lodged on 06/07/15.

4. On the other hand, learned State counsel opposes the bail application and submits that as per the statement of the complainant, she was harassed in connection with demand of dowry of Rs.1 Lakh and a motor cycle. Due to harassment and cruelty, she came back to her parental house in the month of August, 2014.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that report has been lodged after more than 11 months of complainant residing in her parental house, there is no specific incident of assault or any injury and that FIR has been lodged after community meeting failed, proceedings of which record that it is not a case of dowry demand, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. 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 arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

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

(ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
Judge