

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 734 of 2015

1. Atmaram Late Rarudas Banjare Aged About 50 Years Occupation- Agriculturist, R/o Village Bijai, P.S. Kawardha, District Kabirdham, Chhattisgarh
2. Ansuiya Bai @ Munni W/o Atmaram Banjare Aged About 47 Years Occupation- Agriculturist, R/o Village Bijai, P.S. Kawardha, District Kabirdham, Chhattisgarh
3. Gitesh S/o Atmaram Banjare Aged About 26 Years Occupation- Agriculturist, R/o Village Bijai, P.S. Kawardha, District Kabirdham, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through: The Station House Officer, P.S. Kawardha, District- Kabirdham, Chhattisgarh

---- Respondent

Shri V.C.Ottalwar, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Order On Board

18/08/2015

Learned counsel for the applicant seeks to withdraw the application of applicant No.1- **Atmaram** with liberty to apply for grant of regular bail.

With the liberty as prayed for, the application of **Atmaram** is dismissed as withdrawn.

The applicant No.2-Ansuiya Bai and applicant No.3-Gitesh are apprehending their arrest in connection with Crime No. 199/15 registered at police station Kabirdham, CG for alleged commission of offences under Section 498-A, 323, 506/34 of IPC.

2. Prosecution case is that the applicants and other accused harassed and subjected to cruelty the prosecutrix in connection with demand of dowry.

3. Learned counsel for the applicants submits that the prosecutrix is in the habit of lodging false report. It is submitted that earlier also, a report was lodged which was later on withdrawn by the prosecutrix and compromise had taken place. Now, the complainant had made allegations of cruelty against the members of the

family. Even according to the prosecutrix, in the night, she was assaulted by her husband and on the next day, she was obstructed by her husband and other co-accused and in this incident, Ansuiya and Gitesh are not alleged to have played any role. Therefore, the applicants may be granted bail.

4. On the other hand, learned State counsel submits that though these two applicants are not alleged to have played any role in the incident of 10/07/15 and 11/07/15 but there are allegations against them that they were involved in harassing the prosecutrix.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the role of these two applicants in the incident of 10/07/15 and 11/07/15 is not of specific act of assault, I am inclined to grant anticipatory bail to the applicants - **Ansuiya and Gitesh**.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants - **Ansuiya and Gitesh**, in connection with the aforesaid offence, they shall be released on bail on each of them 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 and the applicants shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that they 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 them from disclosing such facts to the Court or to any Police Officer.
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge