

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 525 of 2015

1. Naresh Kumar Yadav S/o Late Shri Radhelal Yadav Aged About 40 years Occupation- L.I.C. Agent, R/o Ward No.14, Ganjpara, Ambagarh Chowki, Police Station & Tahsil- Ambagarh Chowki, District Rajnandgaon, Chhattisgarh
2. Smt. Nand Kumari Yadav Wd/o Late Shri Radhelal Yadav Aged About 65 Years R/o Ward No.14, Ganjpara, Ambagarh Chowki, Police Station & Tahsil- Ambagarh Chowki, District Rajnandgaon, Chhattisgarh
3. Rakesh Kumar Yadav S/o Late Shri Radhelal Yadav Aged About 35 Years R/o Ward No.14, Ganjpara, Ambagarh Chowki, Police Station & Tahsil- Ambagarh Chowki, District Rajnandgaon, Chhattisgarh
4. Rajesh Kumar YadavS/o Late Shri Radhelal Yadav Aged About 35 Years Occupation- Agriculture, R/o Village- Thuhadbari, Post- Chhachhanpahri, Police Station & Tahsil- Ambagarh Chowki, District- Rajnandgaon, Chhattisgarh
5. Smt. Swati Jain @ Annu W/o Shri Vikas Surana (Jain) Aged About 34 Years Occupation- Housewife, R/o Village- Rengadabari, Post- Doundilohara, Police Station & Tahsil- Dondilohara, District- Balod, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station- Ambagarh Chowki, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants	-	Shri Arvind Sinha, Advocate
For Respondent/State	-	Ms. Shubha Shrivastava, Panel Lawyer

Order On Board

09/07/2015

Heard.

1. At the outset, learned counsel for the applicants seeks to withdraw the bail application of applicant No.1 Naresh Kumar Yadav and applicant No.2- Smt. Nand Kumari Yadav. Their applications are dismissed as withdrawn.
2. Taking into consideration the submission of learned counsel for the applicants that the applicant No.2 – Smt. Nand Kumari Yadav is aged 65 years, and in case,

regular bail application is moved by applicant No.2, the Court below shall consider and decide her regular bail application within three days.

3. The applicant No.3 – Rakesh Kumar Yadav, applicant No.4- Rajesh Kumar Yadav and applicant No.5- Smt. Swati Jain @ Annu are apprehending their arrest in connection with Crime No.131/2015 registered by Police Station- Ambagarh Chowki, District-Rajnandgaon (C.G.) for alleged commission of offences under Sections 498(A) & 323 read with Section 34 of IPC.

4. Case of the prosecution is that the applicants harassed and subjected to cruelty and it is also alleged that complainant was bitterly beaten up in the matrimonial house, due to which, she sustained number of injuries and was found bleeding.

5. Learned counsel for the applicants submit that present is a case of matrimonial dispute between the husband and wife and attempt was made to settle the dispute but as the settlement failed, report has been lodged after long delay.

6. On the other hand, learned counsel for the State opposes prayer and submits that the complainant has clearly stated that beating was given to her and in the medical examination, she was found having sustained number of injuries.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the allegation of assault is against other accused and not these three accused and the allegations against them are omnibus and general in nature, I am inclined to grant anticipatory bail to **applicant No.3 – Rakesh Kumar Yadav, applicant No.4- Rajesh Kumar Yadav and applicant No.5- Smt. Swati Jain @ Annu**. Therefore, the application of **applicant No.3 – Rakesh Kumar Yadav, applicant No.4- Rajesh Kumar Yadav and applicant No.5- Smt. Swati Jain @ Annu** are allowed.

8. It is directed that in the event of arrest of **applicant No.3 – Rakesh Kumar Yadav, applicant No.4- Rajesh Kumar Yadav and applicant No.5- Smt. Swati Jain @ Annu** in connection with the aforesaid offence, the applicants 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 they 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 the applicants 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

J U D G E

Rekha