

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 811 of 2015

1. Mohd. Riyaz S/o Late Shri Mohd. Iqbal Sherwani, aged about 35 years
2. Smt. Amrin Bano Aged About 29 Years W/o Mohd. Riyaz Sherwani
3. Farida Aged About 55 Years Wd/o Late Mohd. Iqbal Sherwani

All are R/o Rajmahal Ward No. 06, Kawardha, Police Station & Tahsil - Kawardha,
Civil And Revenue District - Kabirdham (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh Through : Police Station Khairagarh, District - Rajnandgaon,
Civil And Revenue District - Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicants	:	Shri UKS Chandel, Advocate
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

01/09/2015

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.263/2015, registered in Police Station- Khairagarh, Rajnandgaon, for alleged commission of offence under Sections 498-A/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and other co-accused, in connection with demand of cash and other dowry items, subjected the complainant to harassment and cruelty.
3. Learned counsel for the applicants submits that the allegations are mostly against the husband and each and every members of the family has been roped in during the pendency of various disputes pending before the complainant and co-accused Imtiyaj, the husband. It is further submitted that the complainant had moved application under Section 125 Cr.P.C for maintenance followed by application of restitution of conjugal Rights before the Family Court and thereafter belatedly report has been lodged on 23.6.2015.

4. On the other hand, learned counsel for the State submits that the allegations are not only against the husband but present applicants also.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the nature of allegation and material, the fact that the FIR has been lodged on 23.6.2015 during pendency of proceedings under Section 125 Cr.P.C. at the instance of complainant and proceedings for restitution of conjugal Rights filed by the husband and pending before the Family Court , I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them furnishing a personal bond in the sum of Rs.20,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer with following further conditions that:
 - (i) the applicants shall make themselves available for interrogation by the police officer as and when required;
 - (ii) the applicants 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