

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1200 of 2015

1. Bhawar Singh S/o Santosh Sidar Aged About 65 Years Occupation Agriculture, R/o Village Sodaka, Tah. Sarangarh, Distt. Raigarh, Civ. & Rev. Distt. Raigarh Chhattisgarh.
2. Sadhmati (Singarpurhin) W/o Late Sukul Singh Aged About 70 Years Occupation House Wife, R/o Village Kawalajhar, Tah. Dabhara, Distt. Janjgir Champa, Civ. & Rev. Distt. Janjgir Champa, Chhattisgarh.
3. Ku. Laxmibai D/o Bhawar Singh Aged About 21 Years R/o Village Kawalajhar, Tah. Dabhara, Distt. Janjgir Champa, Civ. & Rev. Distt. Janjgir Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Thana Dabhara, Distt. Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. Sanjay Agrawal, Advocate.
For Respondent/State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 257/2015, registered at Police Thana- Dabhara, District Janjgir Champa (C.G.) for offence punishable under Sections 498(A)/34 of IPC.
2. Case of prosecution, in brief, is that a complaint was made by the complainant Sandhu @ Sandhya that she was married to Bhagwat Singh in the years 2010 and after the marriage she was subjected to cruelty for demand of dowry of motorcycle and Gas stove by the applicants and the husband. Hence, the offence has been registered.

3. Counsel for the applicants submit that the complainant was residing with her husband at Manipur (Maharashtra) and when she came back for pregnancy to her maternal house, subsequently the complainant filed a case under section 9 of restitution of conjugal rights. He further submits that the applicants are innocent and they are falsely implicated in this case; therefore, they may be given the benefit of anticipatory bail.

4. Per contra, counsel for the State opposes the application for grant of anticipatory bail.

5. Having regard to the statement and perusal of the case diary and the allegation levelled made against the applicants and the application filed under section 9 of restitution of conjugal rights, I am inclined to enlarge the applicants on anticipatory bail .

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting them on executing a personal bond in sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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/her 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) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Goutam Bhaduri)
JUDGE

Santosh