

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1263 /2015

1. Kushal Prasad Kashyap, S/o Bedram Kashyap, Aged About 45 Years.
2. Smt. Pratibha Kashyap, W/o Kushal Prasad Kashyap, Aged About 40 Years.
3. Har Prasad Kashyap, S/o Kushal Prasad Kashyap, Aged About 23 Years.

All R/o. Selar, P.S. Sipat, Civil & Rev. Distt. Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Acting through Officer-In-Charge, P.S. Sipat,
Civil & Rev. Distt. Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Devesh G. Kela, Advocate.

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/12/2015

1. Apprehending arrest in connection with Crime No.280/2015 registered at Police Station- Sipat, District Bilaspur (C.G.) for the offence punishable under Section 498-A/34 of the Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, the complainant Lalita was married to Har Prasad, the applicant No.3, on 10.05.2014 and thereafter she was subjected to torture and cruelty for demand of dowry, therefore, frequent conciliation took place and ultimately the report was made.

3. Learned counsel for the applicants submits that the girl Lalita was not able to adjust herself in the village and therefore it resulted into frequent altercation and when the conciliation took place nothing sought like of a nature as reported of cruelty, hence the girl wanted the boy to stay at Bilaspur instead of village, therefore, the police report has been made.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. The case diary contains the conciliation proceeding. Reading of the conciliation proceeding shows that on the trivial issues the dispute arose and the complainant refused to go with the husband. The reason of demand of dowry and cruelty has not been alleged, therefore, taking into such fact of conciliation proceeding, this Court is inclined to extend the benefit of anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. 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 furnishing a personal bond to a sum of Rs.25,000/- with one 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 themselves 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) that 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok