

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 966 of 2015

1. Ramesh Agrawal S/o Late Jaynarayan Das Agrawal Aged About 61 Years R/o Satyam Kunj, Naya Ganj Raigarh P.S. City Kotwali Raigarh Tehsil & District Raigarh Chhattisgarh
2. Smt. Alka Devi W/o Ramesh Agrawal Aged About 55 Years R/o Satyam Kunj, Naya Ganj Raigarh P.S. City Kotwali Raigarh Tehsil & District Raigarh Chhattisgarh
3. Raman Kumar Agrawal S/o Ramesh Agrawal Aged About 32 Years R/o Satyam Kunj, Naya Ganj Raigarh P.S. City Kotwali Raigarh Tehsil & District Raigarh Chhattisgarh
4. Smt. Rina Agrawal W/o Raman Agrawal Aged About 30 Years R/o Satyam Kunj, Naya Ganj Raigarh P.S. City Kotwali Raigarh Tehsil & District Raigarh Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer (S.H.O.) Chakradhar Nagar Raigarh District Raigarh Chhattisgarh

---- Respondent

For Applicants	:	Shri S.N. Nande, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer
For Objector	:	Shri P.K. Patel, Advocate

Order On Board

06/10/2015

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.276/2015, registered in Police Station- Chakradhar Nagar, Raigarh, for alleged commission of offence under Sections 498 (A), 323, 506/34 IPC.
2. Case of the prosecution, in brief, is that the applicants and co-accused -husband soon after marriage have started harassing and subjecting the wife -complainant to cruelty in connection with demand of cash. It is also alleged that the applicants teased and scolded her for not getting enough dowry.
3. Learned counsel for the applicants submits that the dispute is mainly with the husband of the victim. She had gone back to the parental house in the month of June, 2015 which is less than 2 months of marriage. Thereafter, she has been living

in a separate house with her husband. The allegation are exaggerated and an attempt to resolve the dispute between the husband and wife by twisting arms of in-laws.

4. On the other hand, learned counsel for the State and Objector submit that prima facie case is made out in view of statement by the victim that she was harassed teased and there are allegations of beating also. It is submitted that the victim was advised medical check-up by experts which report is still awaited.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration that the allegations are more or less general in nature and that even according to the victim, she lived in the matrimonial house with the applicant till 4.6.2015 and thereafter when she returned on 7.8.2015, she shifted to another house at Gulmohar Coloney, Chakradharnagar with her husband where incident is alleged to have happened and there is no specific injury pointed out by the doctor upon examination, 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 one local surety 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