

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1003 of 2015

1. Pujeri Ram S/o Tika Ram Aged About 60 Years Caste Jaiswal, R/o Village - Judga, Police Station - Sakti, Civil & Revenue District - Janjgir Champa Chhattisgarh
2. Nanki Bai W/o Pujeri Ram Aged About 59 Years Caste Jaiswal, R/o Village - Judga, Police Station - Sakti, Civil & Revenue District - Janjgir Champa Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through - Station House Officer, Police Station - Sakti, District - Janjgir - Champa Chhattisgarh

---- Respondent

For Applicants	:	Shri Dharmesh Shrivastava, Advocate.
For State	:	Ms. Sunita Jain, Panel Lawyer

Order On Board

15.10.2015

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.248/2015 registered at Police Station- Sakti, District Janjgri-Champa (C.G.) for alleged commission of offence under Section 498-A, 34 of IPC.
2. Case of the prosecution is that the applicants and another accused harassed the prosecutrix in connection with demand of dowry and subjected her to cruelty.
3. Learned counsel for the applicants submits that the allegations are improbable as well as exaggerated. There exists some dispute between the husband and wife, due to which, wife is not living with the applicants and husband ever since 07.02.2015. FIR has been lodged after six months when conciliation proceedings failed. There are no specific allegation of any physical assault, leading to any injury. No injury has been found.
4. On the other hand, learned State counsel opposes prayer and submits that the prosecutrix has clearly stated that sometime in the month of February, leading to a dispute as

to how the prosecutrix had gone elsewhere with some other person, she was beaten up and locked in the room and thereafter, brother was called and she was asked to go back to the parental house.

5. Taking into consideration the nature of allegation, role alleged to be played by the applicants, delay in lodging FIR, absence of any injury and that the allegations are omnibus in nature and further that the dispute arose on the allegation that the prosecutrix had gone to attend a function with a third person, the application is allowed.

6. It is directed that in the event of arrest of the applicants 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