

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 18 /2016

1. Rajdulari Agarwal, W/o. Late Ramkishore Agrawal, Aged About 60 Years,
 2. Smt. Pinki Agarwal, W/o. Ravi Agarwal, Aged About 26 Years,
- Both are R/o. Maruti Enclave, 33/ B, Tatibandh, P.S. Amanaka,
Distt. Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, P.S.
Amanaka, Raipur, Distt. Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Ms. K. Tripti Rao, Advocate.
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer.
For Objector	:	Mr. Uttam Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/02/2016

1. Apprehending arrest in connection with Crime No.261/2015 registered at Police Station- Amanaka, District Raipur (C.G.) for the offence punishable under Section 498-A & 34 of 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, a report was made by the complainant Anju Agrawal against the applicants and her husband Ritesh Agarwal that she was married on 28.05.2015 and thereafter she was subjected to torture by the applicants for demand of Car and House.

3. Learned counsel for the applicants would submit that initially after the marriage, the complainant left of her own and thereafter the husband of the complainant made a report and conciliation proceedings were drawn wherein the complainant appeared and she refused to accompany the husband. It is further contended that the report would show that nothing has been stated against these applicants and the husband of the complainant filed an application under Section 9 for Restitution of Conjugal Rights. She further submits that no allegations have been made against these applicants, who are the mother-in-law and sister-in-law of the complainant, therefore, they may be enlarged on anticipatory bail.
4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of anticipatory bail and they submits that the specific allegations have been made for demand of Car and House and therefore they may not be extended the benefit of Section 438 of Cr.P.C.
5. Perused the case diary, report and copy of the conciliation proceedings. Considering the statements and the FIR wherein trivial and general allegations have been made against the applicants, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C to the applicants.
6. Accordingly, the anticipatory bail application is allowed.
7. 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