

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 361 of 2016

1. Gulmir Khan, S/o. Late Chand Khan, Aged About 70 Years.
2. Kanij Begam, W/o. Gulmir Khan, Aged About 68 Years.
Both R/o. 227, Ward No.03, Patel Colony, Dallirajhara, District-Balod (C.G.)

----Applicants

Versus

State of Chhattisgarh, Through the Station House Officer, Mahila Thana, Durg District – Durg (C.G.)

---- Respondent

For Applicants	: Mr. Shikhar Sharma, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/04/2016

1. Apprehending arrest in connection with Crime No.04/2016 registered at Police Station- Mahila Thana - Durg, District – Durg (C.G.), for offence punishable under Section 498(A) of the Indian Penal Code and Section 4 of Dowry Prohibition Act, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was lodged by the complainant, Safdar Yazada Khan that she was married to Firoz Khan on 25.12.2013 and before that they were engaged on 28.08.2013. Subsequently, after engagement, the applicants along-with other co-accused asked for dowry according to their status as the husband of the complainant was working as Software Engineer. Subsequently, the marriage was performed and after the marriage, the complainant was subjected to torture.
3. Learned counsel for the applicants would submit that the applicants are father-in-law and mother-in-law of the complainant and they

have been falsely implicated in this case. It is further submitted that the applicants were residing separately from the complainant and no case is made out against the applicants; therefore, they may be extended the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary as also the statement and document of conciliation. Perusal of the statement and the documents shows that general allegations have been made with respect to the demand of dowry. Taking into the statement and the documents, this Court is inclined to extend the benefit of anticipatory bail to the applicants as the custodial interrogation of the applicants may not be required in this case.
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 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