HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 350 of 2016

1. Sitaram Jaiswal S/O Late Tikaram Jaiswal Aged About 60 Years R/O Khamhria P.S. Sipat Tahsil Masturi District Bilaspur Chhattisgarh

2. Vimla Bai Jaiswal W/O Sitaram Jaiswal Aged About 54 Years R/O Khamhria P.S. Sipat Tahsil Masturi District Bilaspur Chhattisgarh

3. Suresh Kumar Jaiswal S/O Sitaram Jaiswal Aged About 26 Years R/O Khamhria P.S. Sipat Tahsil Masturi District Bilaspur Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : - Police Station Sipat, Distt. Bilaspur Chhattisgarh

---- Respondent

For applicants – Shri Dheerendra Pandey, Advocate.
For Respondent/State –Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

12/04/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 57/2016 registered at Police Station Sipat, Distt. Bilaspur (C.G.) for offence punishable under 498 A r/w 34 of Indian Penal Code.

2. As per the prosecution case, the complainant Reena Jaiswal was married to Suresh Kumar Jaiswal on 20/06/2014. Thereafter, as reported she was subjected to cruelty for demand of dowry and when she became pregnant the family members and the in-laws insisted her to get aborted. Thereafter, dispute inflated and social meeting was convened, complainant joined her matrimonial home and subsequently again left the house as she was subjected to torture for demand of dowry as Rs.50,000/- was demanded and as such offence is committed.

3. Learned counsel for the applicants submits that applicants have

been falsely implicated in this case since wife has left the matrimonial home of her own. Husband has filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights wherein wife had appeared and subsequently the report is made. It is therefore submitted that all the applicants have not committed any offence and general allegations have been levelled and there has been exchange of notice earlier to filing of the report but no allegations were alleged at that time, therefore applicants have been falsely implicated in this case.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the statement and the reply to the application under Section 9 of the Hindu Marriage Act, perused the statement of the complainant as also reply filed to the application under Section 125 of Hindu Marriage Act which is filed by the complainant also perused. Considering the allegation and the inconsistency and taking into account nature of general allegations, I am inclined to extend benefit of anticipatory bail to the applicants.

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 each of them executing a personal bond in sum of Rs.25,000/- with one local 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) 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

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