

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 439 of 2016

1. Dhiraj Agrawal, S/o Shri Shyam Hari Agrawal Aged About 30 Years,
 2. Shyam Hari Agrawal, S/o Late Dev Narayan Agrawal, Aged About 62 Years,
 3. Smt. Manila Agrawal, W/o Shyam Hari Agrawal Aged About 60 Years,
- All R/o Shyam Nagar, P.S. Telibandha Raipur, District Raipur
Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through P.S. Mahila Thana, Raipur, District
Raipur Chhattisgarh

---- Respondent

For applicants – Shri Maneesh Sharma, Advocate.
For Respondent/State –Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/05/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 06/2016 registered at Police Station Mahila Thana, Raipur (C.G.) for offence punishable under Section 498-A/34 of Indian Penal Code and Section 4 of the Dowry Prohibition Act.
2. As per the prosecution case applicant No.1 Dhiraj Agrawal was married to one Shikha on 16/04/2015. Subsequently, when she joined her matrimonial home she was subjected to torture for demand of dowry as amount of Rs.25 lakhs was demanded by the applicant No.1 and his family members and for non-payment of such amount, complainant was subjected to torture. Thereby, offence is committed.
3. Learned counsel for the applicants submits that complainant only remained for few days along with the applicant No.1 and for some reason

or other they could not go along. Ultimately on the false allegations report is made. It is submitted that complainant infact wanted to stay separate and that was the reason for lodging report. He submits that applicants have been falsely implicated. He further submits that both the applicant No.1/husband and the complainant are doctors and no demand of dowry was however made, therefore the applicants may be granted benefit of anticipatory bail.

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

5. I have perused the case diary and the statement as also proceeding of conciliation. Further transcript of the conversation over the phone call which is part of the case diary do not disclose that there has been demand of Rs.25 lakhs was made. Taking into allegations levelled which appears to be general in nature and the dispute arose in between the husband and wife for trivial reasons. Considering the same, 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