

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 791 of 2016

- 1. Prakash S/o Dhanau Aged About 26 Years Caste Marar, R/o Village Baloda Khurd, P.S. Bodla, Tahsil Bodla, District Kabirdham, Chhattisgarh.
- 2. Prahlad S/o Dhanau Aged About 24 Years Caste Marar, R/o Village Bolda Khurd, P.S. Bodla, Tahsil Bodla, District Kabirdham, Chhattisgarh.
- 3. Godawari W/o Dhanau Aged About 50 Years Caste Marar, R/o Village Bolda Khurd, P.S. Bodla, Tahsil Bodla, District Kabirdham, Chhattisgarh.
- 4. Dhanau S/o Mahadev Aged About 55 Years Caste Marar, R/o Village Bolda Khurd, P.S. Bodla, Tahsil Bodla, District Kabirdham, Chhattisgarh. **--- Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Bodla, District Kabirdham, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Sandeep Shrivastava, Adv.
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.08.2016

- 1. Apprehending arrest in connection with Crime No. 89/2016 registered at Police Station Bodla, Distt. Kabirdham (C.G) for the offences punishable under section 498-A/34 of IPC , the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
- 2. As per the prosecution case, Nema Bai was married to applicant No.1 Prakash in the year 2004 and out of wedlock, two children were borne and it is alleged that her husband and in-laws used to torture the victim for demand of dowry, thereby, the offence is committed.

3. Learned counsel for the applicants submits that initially a report was made by Dhanau, father-in-law against the complainant on 20.06.2016 that she often used to run away from the house and earlier also since there was a dispute, a social meeting was convened wherein it has been decided that the complainant would reside separately and she started living separately but all of a sudden she again came to the house of applicant and thereafter after two days, a report was made. It is further submitted that the applicants have been falsely implicated, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of complainant Nema Bai.
6. A perusal of the statement and the document of the Society meeting which are also part of case diary it shows that the complainant had taken her separation.
7. Considering the statement of the complainant wherein omnibus general allegations have been made against the applicants and also taking into totality of the facts situation of the case, I am inclined to admit the applicants to anticipatory bail.
8. Accordingly, the 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 surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer.

The applicants shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating 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 him/her from disclosing such facts to the Court or any police officer;
- (iii) that they 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.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE