

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 787 of 2016

1. Omprakash Sharma S/o Surajbhan Sharma Aged About 62 Years Occupation Agriculture [Father In Law] R/o Village Kharakkala, District Bhiwani, Hariyana.
2. Santosh Devi W/o Omprakash Sharma Aged About 58 Years [Mother In Law] R/o Village Kharakkala, District Bhiwani, Hariyana.
3. Praveen Sharma S/o Omprakash Sharma Aged About 26 Years R/o Village Kharakkala, District Bhiwani, Hariyana.
4. Rajesh Sharma S/o Omprakash Sharma Aged About 32 Years Occupation Business, R/o Dindayal Colony, Raigarh, Tahsil Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.
5. Amit Sharma S/o Omprakash Sharma Aged About 28 Years Occupation Business, R/o Dindayal Colony, Raigarh, Tahsil Raigarh, Civil & Revenue District Raigarh, Chhattisgarh. ---

Applicants

Versus

State of Chhattisgarh Through Police Thana Kotra Road, Raigarh,
District Raigarh, Chhattisgarh. ---

Respondent

For the applicant	:	Miss Sharmila Singhai, Adv.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.08.2016

1. Apprehending arrest in connection with Crime No. 239 of 2015 registered at Police Station Kotra Road, Raigarh (C.G) for the offences punishable under section 498(A), 306/34 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, deceased Alka Sharma was subjected to torture by her husband and in-laws for demand of dowry and for different reasons, therefore,

she committed suicide by consuming poison. It is alleged that applicant no.1 is father-in-law, applicant no.2 is mother-in-law and applicants 3, 4 & 5 are brothers-in-law and they have abetted the deceased to commit suicide for demand of dowry, thereby the offence is committed.

3. Learned counsel for the applicants submits that co-accused Ajay Sharma, husband of the applicant has been enlarged on bail in M.Cr.C.No.5379 of 2015 on 26.10.2015 and the charge sheet in this case has been filed and no further custodial interrogation may be required. She further submits that only omnibus allegations have been attributed against the applicants, therefore, they may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of Pawan Kumar, brother of deceased. A perusal of the case diary would show that no further custodial interrogation is required.
6. Considering the fact that omnibus allegations have been levelled against the applicants as also the fact that no further custodial interrogation is required, I am inclined to admit the applicants to anticipatory bail.
7. 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