

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 78 of 2016**

1. Pradeep Roy S/o Late Shri K.C. Roy Aged About 61 Years
Occupation Retired B S P Employee, R/o Qr. No. 61D, Street-32,
Sector-5, Bhilai Nagar, P.S. Bhilai Nagar Tehsil & District Durg
Chhattisgarh.

2. Smt. Alopal W/o Shri Tapan Pal Aged About 56 Years R/o Qr. No.
61D, Street-32, Sector-5, Bhilai Nagar, P.S. Bhilai Nagar Tehsil &
District Durg Chhattisgarh.

3. Smt. Deepti Shikha Sinha W/o Tarun Sinha Aged About 50 Years
R/o Dixit Colony, Nehru Nagar, P.S. Supela Thana, Tehsil & District
Durg Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Incharge, Police Station, Bhilai
Nagar, Sector-6, Bhilai (Wrongly Mentioned As Marira In The
Impugned Order), Tahsil, Civil And Rev. Distt. Durg Chhattisgarh.

---- Respondent

For applicants – Shri Anand Shukla, Advocate.
For Respondent/State – Miss. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****16/02/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 508/2015 registered at Police Station Bhilai Nagar, Sector-6, Bhilai wrongly mentioned as “Marira” for offence punishable under Section 498 A read with section 34 of IPC.

2. As per the prosecution case a complaint was made by wife of applicant No.1 Santoshi Roy that she was subjected to torture for demand of dowry and her character was being assassinated and therefore written report was made on 30/07/2015 and thereby offence is said to have been committed.

3. Learned counsel for the applicants submits that the applicant No.1 Pradeep Roy was married to complainant Santoshi Roy on 30/06/2005.

Thereafter, they were blessed with two children. All of a sudden complainant had left the matrimonial house in the year 2014 and thereafter the husband filed application under Section 9 of Hindu Marriage Act for restitution of conjugal rights. Subsequently, complainant had wrote a letter to the Management BSP that all the retiral dues be given to the complainant and their son. Subsequently, a report was also made on 18/03/2015 as some dispute arose in between husband and wife wherein no allegation of torture was made for demand of dowry. He therefore submits that the entire difference arose on the basis of some massage which came to the knowledge of the applicant/husband wherein some extramarital relation were apprehended, therefore the difference have arose. He further submits that applicants No.2 & 3 are sister-in-law aged about 56 and 50 years and applicant No.3 is suffering from tumor, therefore the applicants may be granted benefit of anticipatory bail.

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

5. I have perused the case diary and the report. Perusal of the statement and the report would show that general allegations have been made against all these applicants. Earlier too report was made and in the letter written to the BSP nothing like torture has been alleged. Taking into account general allegations and the nature of 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 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