

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 110 of 2016

1. Shankar Lal Jaiswal S/o Shri Maalik Ram Jaiswal Aged About 53 Years Caste Kalar, R/o Sukli, P.S. Bilaigarh, Tehsil Kasdol, District Baloda Bazar, Current R/o Shivrinarayan, Distt. Janjgir Champa, Chhattisgarh.

2. Smt. Kushibai W/o Shankar Lal Jaiswal Aged About 49 Years Caste Kalar, R/o Sukli, P.S. Bilaigarh, Tehsil Kasdol, District Baloda Bazar, Current R/o Shivrinarayan, Distt. Janjgir Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through P.S. Baradwar, District Janjgir Champa, Chhattisgarh.

---- Respondent

For applicants – Shri Saurabh Dangi, Advocate.

For Respondent/State – Miss. Sunita Jain, PL.

For objector – Shri C.P. Lahre, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 19/2016 registered at Police Station Baradwar District Janjgir-Champa (C.G.) for offence punishable under Section 498 A/34 of IPC.

2. As per the prosecution case the complainant Poonam Jaiswal was married to Fanendra Jaiswal on 1/04/2012 and thereafter she was subjected to torture for demand of dowry by the applicants as also the husband, therefore the report was made.

3. Learned counsel for the applicants submits that applicants are father-in-law and mother-in-law and they are residing separately. He further submits that according to the conciliation which was drawn as per Annexure A-2 no allegations have been attributed against these applicants. He submits that applicants being father-in-law and mother-in-law they have been falsely implicated in this case and 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 document, case diary, report, statement of the complainant as also proceedings of the conciliation. Prima facie it appears that complainant was residing with her husband at Raipur and general allegations have been attributed against these applicants. Taking into account the conciliation proceedings, statement and the report, 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

