

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 115 /2016

1. Smt. Amrika Bai, W/o. Somwarpuri, Aged About 62 Years, R/o. Village & Post Changori, Police Station & Tahsil Akaltara, District Janjgir Champa, Chhattisgarh.
2. Sohan Giri Goswami, S/o. Ganesh Giri Goswami, Aged About 48 Years.
3. Smt. Rajkumari Goswami, W/o. Sohan Giri Goswami, Aged About 43 Years.
4. Tosan Giri Goswami, S/o. Sohan Giri Goswami, Aged About 24 Years.
5. Shyam Giri Goswami, S/o. Sohan Giri Goswami, Aged About 27 Years.

Applicant No.2 to 5 are R/o. Village & Post Mandhar, Police Station Vidhan Sabha, Civil & Revenue District Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Vidhan Sabha, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. S.R.J.Jaiswal, Advocate.

For Respondent : Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/02/2016

1. Apprehending arrest in connection with Crime No.296/2015 registered at Police Station- Vidhan Sabha, District Raipur (C.G.) for the offence punishable under Section 498(A)/ 34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, a complaint was made by Namita that she was married to the Shyam Giri on 20.04.2014 and

thereafter she was subjected to torture for demand of dowry and as she made the report.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and he referred to the conciliation proceedings wherein the complainant herself never wanted to stay along with her husband and only she stayed for 15 days at her matrimonial home and thereafter she was residing at her maternal home. He further submits that only trivial allegations have been made against the applicants, therefore, they may be enlarged on anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary, FIR and conciliation proceedings. It appears that the complainant was residing at her maternal home and she stayed some time at her matrimonial home. Taking into the allegations made, which are general in nature, I am inclined to enlarge the applicants on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed.
7. 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 furnishing a personal bond to a sum of Rs.25,000/- with one 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) that 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

Ashok