

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 148 of 2016

1. Smt. Meera Sahu, W/o. Late Domar Singh Sahu, aged about 48 years,
2. Umesh Kumar Sahu, S/o. Late Domar Singh Sahu, aged about 26 years
3. Kundan Sahu, S/o. Late Domar Singh Sahu, aged about 25 years
Applicant No.1 to 3 are R/o. Ganpati Vihar Colony, New Chandorabhata, Police Station-D.D. Nagar, Post Sundernagarh, Raipur, Civil and Revenue District- Raipur (C.G.)
4. Vinay Kumar Sahu, S/o. Late Shri Seetaram Sahu, aged about 35 years,
5. Kumari Durga Sahu, D/o. Late Shri Seetaram Sahu, aged about 37 years,
Applicant No.4 & 5 are R/o. Near Radha Krishna Temple, Uparpara Ward No.3, Kumhari, Police Station & Post Kumhari, Tahsil Dhamdha, Civil and Revenue District – Durg (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through : Police Station- Mahila Thana, Raipur, District – Raipur (Chhattisgarh)

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate
For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/02/2016

1. Apprehending arrest in connection with Crime No.39/2015 registered at Police Station- Mahila Thana, Raipur, District – Raipur (C.G.) for the offence punishable under Section 498-A and Section 377, R/w. Section 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, the complainant, Kavita Goswami was married to Lokesh Kumar Sahu and after such marriage, she was subjected to torture for demand of dowry.

3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that general allegations have been attributed against the applicants and the husband. He would further submit that the husband and the wife could not go along as there was difference of age, consequently it lead to filing of report in between the parties and the case of dissolution of marriage is also pending between husband and wife. He would further submit that the husband i.e. Lokesh Kumar Sahu has already been granted anticipatory bail in M.Cr.C. (A) No.1312/2015 vide order dated 14.01.2016, therefore, the counsel prays that the applicants may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail, however, do not dispute the fact that husband has already been enlarged on anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the documents and the case diary, general allegations are made against the applicants, who are the relatives and further considering the fact that the husband has already been granted anticipatory bail, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. 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 himself 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