

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 355 of 2016

1. Manmit Singh Gurudatta, S/o Harpal Singh, Aged About 28 Years, R/o Tikrapara, Police Station City Kotwali, District Bilaspur Chhattisgarh
2. Srimati Harjit Gurudatta, W/o Harpal Singh, Aged About 55 Years, R/o Tikrapara, Police Station City Kotwali, District Bilaspur Chhattisgarh.
3. Harpal Singh Gurudatta, S/o Amrik Singh, Aged About 57 Years, R/o Tikrapara, Police Station City Kotwali, District Bilaspur Chhattisgarh.
4. Srimati Arprit Kaur Chhabda, W/o Guruprit Chhabda, Aged About 24 Years, R/o Devendra Nagar, District Raipur Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Police Station City Kotwali, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. Chitranjay Singh Patel, Advocate
For Respondent/State	:-	Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13/04/2016

1. Apprehending arrest in connection with Crime No 100/2016 registered at Police Station- City Kotwali, Bilaspur, District Bilaspur (C.G.) for the offence punishable under section 498 A, 34 of Indian Penal Code. The applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the complainant Harprit Chawla was married to applicant No. 1 Manmit Singh on 30.05.2015. Subsequently, after marriage she was subjected to cruelty, thereafter, a written report was made on 05.12.2015, wherein it was stated that the demand of dowry was made and it was stated that when the dowry is paid, the girl would be taken to her matrimonial house. Thereby, the offence is committed.

3. Counsel for the applicants submits that the girls was residing at Raipur since 14.10.2015 after seven months of marriage and the family members wanted to take back the girl with them, she refused to come back with the family members. He further submits that the false allegations have been made against these applicants and no demand of dowry has been made against these applicants in the report, 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 and the statement as also the conciliation proceedings, it appears that the demand of dowry has not been stated in the report and in the report it is stated that the husband was in lover affair with the other girls. 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 executing a personal bond in 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 them 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.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh