

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. (A) No. 483 of 2016

1. Pramila @ Mongra Chouhan and another, Aged About 55 Years, Wd/o Late Vimal Chouhan R/o Jorapara, Phoolchowk, Raipur, District Raipur, Chhattisgarh.

2. Ashok Kumar Chouhan, Aged About 48 Years S/o Late Kumar Singh Chouhan R/o Mahadevghat Road, Raipura, Raipur, District Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Moudhapara, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For applicants – Shri Y.C. Sharma, Advocate.
For Respondent/State – Ms. Shobha Kashyap, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/06/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 48/2016 registered at Police Station Moudhapara, Raipur (C.G.) for offence punishable under Section 498A/34 of Indian Penal Code and Section 4 of Dowry Prohibition Act.

2. As per the prosecution case a report was made by complainant Sonam Chouhan that she was married to Jasvant Singh Chouhan on 19/11/2013. Thereafter, out of the wedlock baby girl was born and thereafter she was subjected to torture and demand of dowry was made by the applicants and other co-accused. Thereby, offence is committed.

3. Learned counsel for the applicants submits that on trivial issue report has been made and applicants have been falsely implicated in this case. He submits that applicant No.2 is the uncle-in-law who used to reside separately and no specific averment have been made against him for torture and as against applicant No.1 mother-in-law after the marriage on 19/11/2013 no

report was made which would show that no demand of dowry was ever made, 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 statement as also conciliation proceedings. General allegations have been attributed to these applicants. Taking into nature of allegations which are general in nature, 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

