

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**M.Cr.C.(A) No. 589 /2016**

1. Ram Kumar Rathore, S/o. Late Chhattu Ram Rathore, Aged About 62 Years.
2. Kailash Bai, W/o. Ram Kumar Rathore, Aged About 56 Years.
3. Raghavendra, S/o. Ram Kumar Rathore, Aged About 32 Years.

All 1 to 3 are R/o. Village Purani Basti, Janjgir, Tahsil P.S. & District Janjgir-Champa, Chhattisgarh

4. Smt. Shiv Kumar (Shiv Kumari) W/o. Dev Prasad Rathore, Aged About 42 Years.

5. Dev Prasad Rathore, S/o. Manohar Lal, Aged About 50 Years.

Both 4 & 5 are R/o. Village Devari (Saragaon), P.S. Saragaon, Tahsil Champa, District Janjgir – Champa, Chhattisgarh

---- Applicants

**Versus**

State Of Chhattisgarh Through the District Magistrate, Janjgir,  
District Janjgir – Champa, Chhattisgarh

---- Respondent

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For Applicants : Mr. Shailendra Dubey, Advocate.

For Respondent : Ms. Sunita Jain, Panel Lawyer.

**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**03/08/2016**

1. Apprehending arrest in connection with Crime No.172/2016 registered at Police Station- Janjgir (C.G.) for the offence punishable under Section 498-A/34, 294, 506, 323, 354 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 case, a report was made by one Shashi Prabha on 09.04.2016 at Janjgir that she was married to Raghavendra Rathore on 06.07.2007 and subsequently after marriage, she was subjected to torture for demand of dowry by the husband and other in-laws and at one point of time, the husband tried to kill her by pouring kerosene oil. Further allegations were

made that Rs.2 Lakhs was demanded and she was subjected to assault. It was also reported that she was not able to bear the child as such she was initially abused and ultimately she was evicted from the house.

3. Learned counsel for the applicants would submit that he do want press the bail application on behalf of the applicant No.1, Ram Kumar Rathore, as he has been arrested and subsequently he has been enlarged on bail.
4. Learned counsel for the applicants would submit that the applicant No.2 Kailash Bai is mother-in-law, applicant No.3 Raghavendra is husband, applicant No.4 Shiv Kumari is sister-in-law and applicant No.5 Dev Prasad Rathore is brother-in-law and they have been falsely implicated. He further submits that the wife/complainant never wanted to adjust with the family members and the complainant and her husband were residing at Raipur separately and the wife has left the house, therefore, the husband as filed an application for restitution of conjugal right and thereafter the report is being made. He therefore prays that the applicants may be enlarged on anticipatory bail.
5. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
6. Perused the statement of the victim and also the documents. Considering the nature of allegation which are general in nature and taking into fact that the complainant was residing separately at Raipur, I am inclined to release the applicant on anticipatory bail.
7. 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 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**