

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 762 /2016

1. Krishna Kumar Gupta, S/o. Bhawanidin Gupta, Aged About 62 Years.
2. Smt. Kanchan Gupta, W/o. Krishna Kumar Gupta, Aged About 55 Years.
3. Praveen Gupta, S/o. Krishna Kumar Gupta, Aged About 25 Years.

All are R/o. In Front Of Munnulal School, Godpara, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station- City Kotwali, Bilaspur, District – Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. V.R.Tiwari, Advocate.
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer.
For Objector	:	Mr. Varunendra Mishra, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/08/2016

1. Apprehending arrest in connection with Crime No.224/2016 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 under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a written report was lodged by the complainant Smt. Kajal Gupta that she was married to Dheeraj Gupta on 11.03.2015 and subsequently, she was subjected to torture for demand of dowry and the behaviour of the family members of the applicants were not cordial.
3. Learned counsel for the applicants would submit that the applicants are father-in-law, mother-in-law and brother-in-law and omnibus

allegations have been made and the incident happened on 10.02.2016 when some of the family members of the girl/victim came to take her for some reason and on that altercation started and false report has been made, therefore, the applicants have been falsely implicated and, as such, they may be enlarged on anticipatory bail.

4. Per contra, learned State counsel and counsel for the Objector opposes the prayer for grant of anticipatory bail.
5. Perused the statement of the victim. The assault by knife is primarily on the husband. Considering the omnibus allegation, which is made against the applicants and the facts and circumstances of the case, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended 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 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