

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1331 of 2015

1. Aditya Tiwari, S/o. Late Shri Govind Prasad Tiwari, aged about 65 years, R/o. Village-Dullapur, P.S. - Kunda, Civil and Revenue District – Kabirdham (C.G.)
2. Dr. Kamlakant Tiwari, S/o. Shri Aditya Tiwari, aged about 37 years, R/o. Alka Avenue Uslapur, P.S. - Civil Lines, Bilaspur, Civil and Revenue District – Bilaspur (C.G.)
3. Smt. Sunita Pandey, W/o. Late Shri S.P. Pandey, aged about 42 years, R/o. Irrigation Colony, P.S. - Durg, Civil and Revenue District – Durg (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station – Civil Lines, Bilaspur, Civil and Revenue District – Bilaspur (C.G.)

---- Respondent

For Applicants	: Mr. Sunil Otwani, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer
For Objector	: Mr. Ishwar Jaiswal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/02/2016

1. Apprehending arrest in connection with Crime No.781/2015 registered at Police Station- Civil Lines, Bilaspur, District – Bilaspur (C.G.), for offence punishable under Section 498-A, R/W. Section 34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the complainant Smt. Sudha @ Babita was married to Laxmikant Tiwari on 29.05.2015 and thereafter, when she joined her matrimonial home, she was subjected to torture by the family members. Consequently, written report was made on 02.12.2015.
3. Learned counsel for the applicants would submit that they have been falsely implicated in this case. He would further submit that

the applicant No.1, is father-in-law of the complainant and resides at Pandariya, Kawardha and the applicant No.2 is the doctor at Apollo Hospital, Bilaspur and he resides separately and the applicant No.3 also resides separately at Durg. He would further submit that general allegations have been attributed against the applicants, and they have been falsely implicated in this case, therefore, he prays that the applicants may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel as well counsel for the objector opposes the bail application.
5. Perused the statement and the written report of the victim, which shows that general and omnibus allegations have been attributed against the applicants. Taking into the degree of allegation levelled against these applicants, no custodial interrogation may be required in this case, therefore, this Court is inclined to extend the 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 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 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

Balram