

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 845 of 2016

1. Dhruv Kumar Shukla S/o Late Ramgulam Shukla Aged About 56 Years R/o Shukl-Prastha, Mothers Pride School Campus, Kaithapar Main Road Arang, P.S. Arang, District Raipur Chhattisgarh
2. Girja @ Jagdamba Shukla W/o Dhruv Kumar Shukla Aged About 52 Years R/o Shukl-Prastha, Mothers Pride School Campus, Kaithapar Main Road Arang, P.S. Arang, District Raipur Chhattisgarh.
3. Ku. Pritha Shukla D/o Dhruv Kumar Shukla Aged About 20 Years R/o Shukl-Prastha, Mothers Pride School Campus, Kaithapar Main Road Arang, P.S. Arang, District Raipur Chhattisgarh.

--- Applicants

Versus

State of Chhattisgarh through the Station House Officer, P.S. Arang, Distt. Raipur Chhattisgarh

--- Respondent

For the applicants : Mr. Amiyakant, Tiwari, Advocate.
For the Respondent : Mrs. Shobha Kashyap, Dy.Govt. Adv.
For the Objector : Mr. Manoj Paranjpe, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.09.2016

1. Apprehending arrest in connection with Crime No. 36 of 2015 registered at Police Station Mahila Thana, Raipur (C.G) for the offences punishable under section 498-A of IPC & Sections 3 & 4 of the Dowry Prohibition Act, 1985.
2. As per the prosecution case, a report was made by one Monika Shukla that she was married to Gaurav Shukla on 06.02.2013. Subsequently after the marriage she was subjected to torture for demand of dowry by the husband as also the present applicants who are father-in-law, mother-in-law and sister-in-law and she was also assaulted by the husband. It was further reported that

initially some conciliation also took place, however, again the husband has abused and assaulted, therefore, the report has been filed.

3. Learned counsel for the applicants would submit that false allegations have been attributed against the applicants since the complainant started living separately with her husband after 04.02.2014. He further submits that initially an application for restitution of conjugal rights u/s 9 of the Hindu Marriage Act was filed wherein certain direction was issued for payment of interim maintenance which was challenged before this Court and in the High Court the conciliation took place between the parties and the husband again started living with his wife but their cohabitation does not go long and they were living separately and thus again a report was made against the applicants. He, therefore, submits that under the facts and circumstances the applicants may be admitted to anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail and would submit that the applicants being mother & father supported their son while the demand of dowry was made.
5. Perused the case diary and the documents. It appears that in between the parties matrimonial dispute erupted and report and counter report have been filed during the intervening period. Perused the statement of victim as also different proceedings of the case.
6. Considering the nature of allegations levelled against the applicants which appear to be general in nature, I am inclined to admit the applicants to anticipatory bail.

7. Accordingly, the 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 surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 any police officer;
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE