

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C (A) No. 844 of 2016

1. Bharat Lal Chandrakar, son of late Mohan Lal Chandrakar, aged about 76 years,
2. Smt. Shanta Devi, wife of Bharat Lal Chandrakar, aged about 73 years,

Both are residents of village & Post Sarhar, Police Station Baradwar, Tahsil Sakti, District Janjgir Champa (Chhattisgarh) ... **Applicants**

Vs.

State of Chhattisgarh through the Police Station Civil Line, Bilaspur, District Bilaspur (Chhattisgarh). ... **Respondent**

For the applicants	:	Mr. S.C. Verma, Advocate
For the State	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.09.2016

1. Apprehending arrest in connection with Crime No. 101 of 2016 registered at Police Station Civil Line, Bilaspur, Distt. Bilaspur (Chhattisgarh) for the offences punishable under sections 420, 120-B/34 of IPC, the applicants have filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, on 24.07.2015 a report was made by one J.N. Chandra against the applicant and his other family members that his daughter was married to Dr. Choleswar Chandrakar in the year 2009 and during the process of marriage, the applicants being family members/close relatives exaggerated the facts about financial status, educational qualifications, employment, monthly earnings etc., of Dr. Choleswar and thereby

had allured and cheated the complainant to perform marriage with his daughter.

3. Learned counsel for the applicants submits that the marriage was performed long back in the year 2009 and the report was made in the year 2015 as some matrimonial dispute arose between the parties. It is further contended that the nature of allegations would go to show that the applicants have not committed any offence and the delay in lodging the report is also apparent on the face of record. He further submits that co-accused Dr.Cholashwar Chandrakar has been enlarged on regular bail by this Court in M.Cr.C.No. 4164/2016 on 28.07.2016. It is, therefore, submitted that considering the nature of allegations and the *inter-se* dispute between the parties, the applicants may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. It shows that the report was made by J.N. Chandra on 24.07.2015 that his daughter was married to co-accused Dr.Cholashwar on false facts projected by the applicants being family members/close relatives during the course of marriage proposal about the holding of assets, qualifications, monthly earnings etc., of the bride-groom.
6. After perusal of the case diary documents and considering the age of applicants who are stated to be 76 years and 73 years of age respectively and the totality of facts and circumstances of the case, I am of the view that it is a fit case where the applicants can be extended the benefit of section 438 Cr.P.C.

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 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