

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 880 of 2016

1. Raziya Begum, W/o. Hasrat Ali, aged about 61 years, R/o. Lohiya Nagar, P.S. & Tehsil – Baloda Bazar, Civil and Revenue District – Baloda Bazar – Bhatapara (C.G.)
2. Jilani Khan, S/o. Murtuza Khan, aged about 60 years, Mominpara, P.S. - Azad Chowk, Raipur, District – Raipur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station – City Kotwali, Baloda Bazar, Civil and Revenue District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

For Applicants : Mr. Aadil Minhaz, Advocate

For Respondent/State : Ms. Shobha Kashyap, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/09/2016

1. Apprehending arrest in connection with Crime No.270/2016 registered at Police Station- City Kotwali, Baloda Bazar, District – Baloda Bazar – Bhatapara (C.G.), for offence punishable under Section 498A/34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by Sahina Parveen that she was married to Imran Ali on 19.01.2014 and the applicant No.1, Raziya Begum is the mother-in-law and applicant No.2 Jilani Khan is maternal uncle-in-laws and she was subjected to cruelty for demand of dowry and eventually initially Rs.15,000/- was asked, the same was paid and thereafter, again cash and other amount were demanded. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that on the trivial issue, the report has been made. It is submitted that after the marriage, the complainant stayed for certain time at Baloda Bazar

and when she conceived, she stayed at Raipur, wherein she was blessed with a child, subsequently, she returned in the month of October, 2015 and some dispute took place and ultimately on 24.04.2015 all the family members of the complainant came to Baloda-Bazar from Raipur and took away the complainant. It is submitted that general allegations have been attributed against the applicants and they are mother-in-law and maternal uncle, therefore, the counsel prays that the applicants may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned counsel for the State opposes the application for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents. Considering the statement of the complainant as also the report. Taking into the nature of allegation against the applicants, which appears to be general in nature and considering the documents of conciliation proceedings, this Court is inclined to extend the benefit of anticipatory bail to the applicants, as no custodial interrogation may be required in this case.
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 executing a personal bond in sum of Rs.25,000/- with one surety 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