

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 900 /2016

1. Suresh Kumar Soni, S/o. Late Satyanarayan Soni, Aged About 50 Years, Occupation - Private Service.
2. Smt. Kusumlata Soni, W/o. Suresh Kumar Soni, Aged About 48 Years, Occupation – Housewife.
3. Sumit Soni, S/o. Suresh Kumar Soni, Aged About 24 Years, Occupation Student.

All By Caste - Sonar, R/o. Village - Behind Agrawal Nursing Home, Ward No. 12, House No. 216 Khutehi, Tahsil - Hujur, District - Riwa (M.P.), Civil & Revenue District - Riwa (M.P.)

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station - Bagicha, Jashpur, Chhattisgarh.

---- Respondent

For Applicants : Mr. A.K.Prasad, Advocate.
For Respondent : Mr. Neeraj Sharma, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/09/2016

1. Apprehending arrest in connection with Crime No.31/2016 registered at Police Station- Bagicha, District Jashpur (C.G.) for the offence punishable under Section 498-A of Indian Penal Code and Section 4 of the Dowry Prohibition Act, 1961, 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 report was made by one Neha Soni that the applicant No.1 Suresh Kumar, who is father-in-law, applicant No.2 Smt. Kusumlata Soni, who is mother-in-law and applicant No.3 Sumit Soni, who is brother-in-law along-with his husband used to treat the complainant with cruelty and an amount of Rs.10 Lakhs is demanded by the husband and the applicants also abetted the crime for demand of dowry. Thereby, the offence has been committed.

3. Learned counsel for the applicants would submit that the applicants are father-in-law, mother-in-law and brother-in-law of the complainant and the complainant was married to Amit Soni on 05.02.2015 and after some day, she went back to her maternal home and the allegations, if any, are attributed to the husband and only general & false allegations have been made against the applicants. He further submits that the husband of the complainant has filed an application under Section 9 of Hindu Marriage Act for restitution of conjugal right, thereafter, the false report has been made; therefore, the applicants may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement of the complainant and the report. Considering the general allegations made against the applicants and the fact that the main allegations are attributed to the husband, 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.

Sd/-
(Goutam Bhaduri)
Judge

Ashok