

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 929 of 2016

1. Narmada Tiwari S/o Late B. P. Tiwari Aged About 76 Years R/o Kishungarh, P.S. Pandariya, Kabirdham, Tehsil & District - Kabirdham Chhattisgarh
 2. Kaveri Tiwari, wife of Narmada Tiwari Aged About 74 Years R/o Kishungarh, P.S. Pandariya, Kabirdham, Tehsil & District - Kabirdham Chhattisgarh
- Applicants**

Versus

- State of Chhattisgarh through : District Magistrate Kabirdham, Police Station Pandariya, District Kabirdham Chhattisgarh ----
- Respondent**

For the applicants : Mr. Malay Kumar Bhaduri, Advocate.
For the State : Ms. Sunita Jain, Panel Lawyer
For the objector : Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.10.2016

1. Apprehending arrest in connection with Crime No. 179 of 2016 registered at Police Station Pandariya, Distt. Kabirdham (C.G) for the offence punishable under Section 498-A of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure, the applicants have filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, initially a report was made by one Jaleshwar Prasad Sharma on 28.06.2016 that his daughter Pratibha was married to Chandra Bhushan in the year 2010 and she was admitted to the hospital because of mental torture and non-supply of food. It is further alleged that after marriage she was subjected to cruelty for demand of dowry by the in-laws and husband

and Rs.3 lakhs was demanded, thereby the offence is committed.

3. Learned counsel for the applicants would submit that the applicants are father-in-law and mother-in-law and they are very old and infirm as they are aged about 76 years and 74 years respectively. He further submits that in fact the marriage took place in the year 2010 and till 2016, no allegations were attributed to them. It is further submitted that the daughter-in-law Pratibha is living separately with her husband, however, because of some dispute with her husband, false allegations have been levelled against the applicants, therefore, the applicants may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel as also learned counsel for the objector oppose the prayer.
5. Perused the the statement of daughter-in-law Pratibha Tiwari and the case diary.
6. Considering the fact that the allegations attributed to the present applicants appear to be general in nature as also the fact that the applicants are stated to be aged about 76 and 74 years respectively and they are residing separately, I am inclined to admit them 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. today.

Sd/-

**GOUTAM BHADURI
JUDGE**