

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 976 of 2016**

1. Shrimati Dhapu Bai Soni, W/o. Shri Amona Ram Soni, aged about 58 years, R/o. Rakesh Jeweler Mahoba Bazar, Police Station – Amanaka, Tahsil Raipur, Civil and Revenue District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station : Amanaka, Civil and Revenue District – Raipur (C.G.)

---- Respondent

AND**M.CR.C.(A). No. 992 of 2016**

1. Amona Ram Soni, S/o. Late Shri Lalu Ram Soni, aged about 60 years, R/o. Rakesh Jeweler Mahoba Bazar, Police Station – Amanaka, Tahsil Raipur, Civil and Revenue District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station : Amanaka, Civil and Revenue District – Raipur (C.G.)

---- Respondent

For Applicants : Mr. Janak Ram Verma, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/10/2016**

1. Apprehending arrest in connection with Crime No.191/2016 registered at Police Station- Amanaka, District – Raipur (C.G.), for offence punishable under Section 498-A/34 of Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.

2. As per the prosecution case, a report was made by Shree Devi Soni that she was married to Chaina Ram on 16.02.2003, thereafter, she was subjected to torture for demand of dowry and the present applicants were mother-in-law and father-in-law also demanded dowry and since the sister was also married in the same house, the threat was extended that both the sisters will be sent back to their maternal house. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and the wife/complainant was living separately and she has filed a case for maintenance under Section 125 of Cr.P.C., which would show that she was living separately for last five years, therefore, the false allegations have been attributed against the applicant. 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 anticipatory bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary and the documents filed along with the bail petition. An application under Section 125 of Cr.P.C. is also filed, which records that for last five years, the complainant has been separated. Perused the report also. Taking into the omnibus and general allegation levelled against the applicants and the facts and circumstances of the case, 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 applications are 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 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 today.

Sd/-
(Goutam Bhaduri)
Judge