

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1013 of 2016

1. Rajendra Gajbhiye S/o Shri Tarachand Gajbhiye Aged About 35 Years (Cashier In Mahindra Finance) R/o J-433, Janta Colony, Police Station Gudhiyari, District Raipur, Chhattisgarh.
2. Smt. Reshma Gajbhiye W/o Tarachand Gajbhiye Aged About 60 Years (House Wife) R/o J-433, Janta Colony, Police Station Gudhiyari, District Raipur, Chhattisgarh.
3. Amit Gajbhiye S/o Shri Tarachand Gajbhiye Aged About 33 Years R/o J-433, Janta Colony, Police Station Gudhiyari, District Raipur, Chhattisgarh.
4. Sumit Gajbhiye S/o Shri Tarachand Gajbhiye Aged About 26 Years (Account Assistant, Suyash Hospital) R/o J-433, Janta Colony, Police Station Gudhiyari, District Raipur, Chhattisgarh.
5. Smt. Laxmi Satdeve W/o Amit Satdeve Aged About 37 Years (Stenographer, Forest Dept) R/o J-433, Janta Colony, Police Station Gudhiyari, District Raipur, Chhattisgarh.
6. Amit Satdeve S/o Late Shri Beniram Satdeve Aged About 37 Years (Technician Railways) R/o J-433, Janta Colony, Police Station Gudhiyari, District Raipur, Chhattisgarh.

--- Applicants

Versus

- State of Chhattisgarh through Police Station Gudhiyari, District Raipur, Chhattisgarh. **--- Respondent**

MCRCA No. 1015 of 2016

- Tarachand Gajbhiye S/o Late Shri Gopichand Gajbhiye Aged About 64 Years R/o J -433, Janta Colony, Police Station Gudhiyari, District Raipur, Chhattisgarh.

--- Applicant

Versus

- State of Chhattisgarh Through Police Station Gudhiyari, District Raipur, Chhattisgarh. **--- Respondent**

For the applicants	: Mr. Devershi Thakur, Advocate.
For the State	: Mr. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.11.2016

1. Apprehending arrest in connection with Crime No. 262 of 2016 registered at Police Station Gudhiyari, Raipur Distt. Raipur (C.G) for the offences punishable u/ss 498-A/34 IPC & Section 4 of the Dowry Prohibition Act, the applicants have filed these applications u/s 438 of the Code of Criminal Procedure. Since both these applications are relating to the same crime number, they are being decided by this common order.
2. As per the prosecution case, on 18.05.2015 a report was made by one Manisha Gajbhiye that she was married to Rajendra Gajbhiye on 28.04.2013 and thereafter when she joined her matrimonial home, she was subjected to torture for demand of dowry by the applicants including her husband and other in-laws. It is alleged that the applicants used to cause mental cruelty and she was forced to take non-vegetarian food though she is completely vegetarian. It is alleged that the demand of Rs.10 lakhs was made by the husband, therefore, the offence has been committed.
3. Learned counsel for the applicants would submit that the report was made on 18.05.2015 thereafter an application u/s 9 of Hindu Marriage Act was filed by the wife but no restitution has taken place and in the maintenance and other cases, no direct allegations have been attributed to the present applicants . He submits that false allegations have been made, therefore, the applicants may be enlarged on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary and documents. Also perused report of the complainant wherein primarily it appears that the allegations have been attributed to husband for demand of Rs.10 lakhs towards dowry and general allegations have been attributed to the other applicants.
6. Taking into the degree of allegations against the husband Rajendra Gajbhiye applicant no.1 in M.Cr.C(A). No.1013/2016, I am not inclined to admit him to anticipatory bail as direct allegations have been made against him. Accordingly, his bail application is rejected.
7. So far as it relates to Applicants 2 to 6 of M.Cr.C (A). No.1013/2016 and the applicant of M.Cr.C(A). No.1015/2016, looking to the nature of allegations attributed to them which are general in nature, I am of the opinion that it is a fit case to enlarge them on anticipatory bail.
8. Accordingly, the applications are allowed and it is directed that in the event of arrest of these applicants i.e., applicants 2 to 6 of M.Cr.C(A).No.1013/2016 and Applicant of M.Cr.C(A).No. 1015 of 2016 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. They 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

R a o