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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1048 of 2016**

1. Rajendra Chourasiya. S/o Late Shrinath Chourasiya, Aged About 42 Years Occupation Head Master At Govt. School, Murchhideepa, R/o Heerapur, Raigarh, District Raigarh, Chhattisgarh.
2. Kamini Chourasiya W/o Rajendra Chourasiya, Aged About 40 Years Occupation Teacher At Govt. School, Kosampali, R/o Heerapur, Raigarh, Police Station Kotra Road, Raigarh, District Raigarh, Chhattisgarh.

---- Petitioners**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants : Mr. Awadh Tripathi, Advocate

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

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Hon'ble Shri Justice Goutam Bhaduri

Order on Board**09-12-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicants apprehending their arrest in connection with Crime No. 528 of 2016 registered at Police Station City Kotwali, Raigarh, District Raigarh (CG) for offence punishable under Section 498(A)/34 of IPC.
2. As per case of the prosecution, on 21-2-2016 a report was made by the complainant Indu Thawait against the present applicants and other family members that she was married to Sujit Thawait in the month of January, 2015 and thereafter she was subjected to torture for demand of dowry and the present applicants who are brother-in-law and sister-in-law instigated her husband for demand of dowry

and also for torture and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the present applicants are residing separately and the husband of complainant also started residing separately because of demand made by the complainant. When a case for divorce was filed by the husband of the wife before the court below, the wife of the applicant has lodged a case under Domestic Violation Act, therefore, false allegations have been attributed to the present applicants, therefore, the applicants may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents annexed to the bail petition. It appears that in between the complainant and her husband cases of divorce and domestic violation were also pending.
6. Perused the proceeding of the conciliation wherein general allegations have been attributed to the present applicants, who are brother-in-law and sister-in-law.
7. Considering the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the back-ground of the case, I am inclined to extend benefit of anticipatory bail to the applicants.
8. 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 each of them executing a personal bond in the sum of Rs.25,000/- with one local 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) 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

Raju