

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1046 of 2016**

1. Ramayan Gupta S/o Late Ganga Prasad Gupta Aged About 65 Years R/o Gram Ratanpur- Police Station Ratanpur, District Bilaspur, Chhattisgarh.
2. Shail Gupta W/o Ramayan Prasad Gupta Aged About 62 Years R/o Gram Ratanpur- Police Station Ratanpur, District Bilaspur, Chhattisgarh.
3. Santosh Gupta S/o Sevak Ram Gupta Aged About 45 Years R/o Gram Chhatauna, Police Station Chakarbhata, District Bilaspur, Chhattisgarh.
4. Krishna Gupta W/o Santosh Gupta Aged About 40 Years R/o Gram Chhatauna, Police Station Chakarbhata, District Bilaspur, Chhattisgarh.
5. Raju Gupta S/o Panchram Gupta Aged About 42 Years R/o Kumhari, Police Station Kumhari Tahsil Dhamdha, District Durg, Chhattisgarh.
6. Manju Gupta W/o Raju Gupta Aged About 36 Years R/o Kumhari, Police Station Kumhari Tahsil Dhamdha, District Durg, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Raj Kumar Gupta, Advocate
For Respondent/State	:	Mr. Wasim Miyan, Panel Lawyer
For objector	:	Mr. Vijay K. Deshmukh, Advocate.

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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. 213 of 2016 registered at Police Station Ratanpur, District Bilaspur (CG) for offence punishable under Section 498(A) of IPC.

2. As per case of the prosecution, on 12-09-2016 a report was made by the complainant Anamika Gupta that the applicants who are father-in-law, mother-in-law, brother-in-law and sister-in-law have committed torture and cruelty for demand of dowry and also tried to set her ablaze while her husband stayed away and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that false allegations have been attributed to the present applicants and there has been some difference between the complainant and her husband Kamal Kishore Gupta, who left the home in the month of February 2016. It is further submitted allegation of setting the complainant on fire in 2012 has been attributed, but it was an accident, therefore, no report was made. Subsequently, in the year 2016 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.
6. Perused the case diary and documents wherein it is alleged that the incident of burn happened in the year 2012. It appears that out of wed-lock of the complainant and her husband one child was born. Perused the allegations attributed to the present applicant and the conciliation proceedings which also reflects that the husband of the applicant has left some-where.
7. Considering the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the incident of burn which is alleged to have been happened in the

year 2012 whereby four years have lapsed, 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