

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1105 /2016

1. Lakhan Kesharwani, S/o. Late Shri Jagannath Kewharwani, Aged About 62 Years.
2. Asha Kesharwani, W/o. Lakhan Kesharwani, Aged About 57 Years.
3. Nitesh Kesharwani, S/o. Lakhan Kesharwani, Aged About 35 Years.
4. Shobhit Kesharwani, W/o. Nitesh Kesharwani, Aged About 32 Years.
5. Jairaj Kesharwani, S/o. Lakhan Kesharwani, Aged About 33 Years.
6. Shalini Kesharwani, W/o. Jairaj Kesharwani, Aged About 26 Years.

All are R/o. Chakradhar Nagar Chowk, Raigarh, Tahsil & District Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Chakradhar Nagar, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. B.D.Guru, Advocate.
For Respondent	:	Ms. Sunita Jain, Panel Lawyer.
For Objector	:	Mr. Amit Singh, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/12/2016

1. At the very outset, learned counsel for the applicants submits that he do not want press the instant anticipatory bail application on behalf of the Applicant No.3 Nitesh Kesharwani and Applicant No.4 Shobhit Kesharwani.
2. In view of the submission made, the bail application on behalf of the Applicant No.3 & 4 is dismissed as not pressed.
3. Heard this bail application on behalf of Applicants No.1, 2, 5 & 6.
4. Apprehending arrest in connection with Crime No.307/2016 registered at Police Station- Chakradhar Nagar, Raigarh (C.G.) for

the offence punishable under Section 498-A/34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

5. As per the prosecution case, a report was made by one Aarti Kesharwani against the applicants who was the father-in-law, mother-in-law, brother-in-law and sister-in-law namely Lakhan Kesharwani, Asha Kesharwani, Jairaj Kesharwani & Shalini Kesharwani that she was married with Lucky Kesharwani in the year 2014 and subsequently, she was subjected to torture for demand of dowry and certain amount was asked for by the present applicants; thereby she was subjected to cruelty for demand of dowry.
6. Learned counsel for the applicants would submit that this case is arising out of the family dispute as the complainant alongwith her husband Lucky Kesharwani they entered into some dispute for the family settlement and initially the husband entered in family settlement as per Annexure A-2 and the properties were settled. Subsequently, a report was made on 21.08.2016 alleging the demand of dowry which was settled and an affidavit was executed by the husband of the complainant on 29.08.2016, which is Annexure A-5. It is further submitted that again some settlement arrived at which would be evident from the family settlement and certain properties were given to the husband and the complainant and they are started living there, however, again a report was made on 06.09.2016 wherein the complainant stated that the family settlement has not been executed. Thereafter, as per Annexure P-8, the police after enquiry found that no demand of dowry has been made. Therefore, it is submitted as per Annexure P-8 the false case has been registered, therefore, the applicants may be enlarged on anticipatory bail.

7. Per contra, learned State counsel and counsel for the objector opposes the prayer for grant of anticipatory bail.
8. Perused the case diary, documents and various reports. Annexure P-8 is Rojnamchasanha wherein it is recorded that the police after investigation found that the offence is not made out. Taking into totality and the facts and circumstances of the case, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicants.
9. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants No.1, 2, 5 & 6 in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on furnishing a personal bond to a 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.

Sd/-
(Goutam Bhaduri)
Judge