

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1114 of 2016**

- Pankaj Trivedi S/o Santosh Trivedi, Aged About 22 Years R/o Pathariya Tahsil & Police Station - Pathariya District Mungeli Chhattisgarh
- Santosh Trivedi, S/o Chandrachurn Trivedi, Aged About 52 Years R/o Pathariya Tahsil & Police Station - Pathariya District Mungeli Chhattisgarh
- Smt. Laxmi Trivedi, W/o Santosh Aged About 50 Years R/o Pathariya Tahsil & Police Station - Pathariya District Mungeli Chhattisgarh
- Mahima Trivedi, D/o Santosh Trivedi, Aged About 18 Years R/o Pathariya Tahsil & Police Station - Pathariya District Mungeli Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through - Police Station - Pathariya District Mungeli Chhattisgarh

---- **Respondent**

For Applicants : Mr. Hemant Kesharwani, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****23-12-2016**

1. Apprehending arrest in connection with Crime No. 271 of 2016 registered at Police Station Pathariya, District Mungeli (CG) for offence punishable under Section 498-A/34 of the IPC, the applicants have preferred the bail application under Section 438 of the Cr.P.C., for grant of anticipatory bail.
1. As per case of the prosecution, a report was made by complainant Smt. Muskan Trivedi on 7-9-2016 that she was married to Pankaj Trivedi in the year 2012 and out of their wedlock a child was born and thereafter, after one year present applicants who are husband,

father-in-law, mother-in-law and sister-in-law started treating the complainant with cruelty and demanded Rs.1,00,000/- and other house-hold goods and thereby the aforesaid offence was committed.

2. Learned counsel appearing for the applicants would submit that on trivial issue, report has been made, the matter is of 2012 and general and omnibus allegations have been attributed against the present applicants and there has been some difference between the husband and wife before the matter was reconciled, therefore, a report has been made. He would further submit that the applicants have been falsely implicated in this case, therefore, considering all the facts and circumstances of the case, benefit of Section 438 of the Cr.P.C., may be extended to the present applicants.
3. Learned State counsel opposes the prayer for grant of anticipatory bail.
4. I have heard learned counsel for the parties, perused the case diary and documents.
5. Perused the statement of the complainant Smt. Muskan Trivedi wherein omnibus and general allegations have been attributed against the present applicants.
6. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the statement of the complainant, I am of the considered opinion, *prima facie* that it is a fit case where benefit of Section 438 of Cr.P.C., can be extended to the present applicants.
7. Accordingly, the application filed under Section 438 of the Cr.P.C., for grant of anticipatory bail 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