

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1116 of 2016

1. Dr. Aparajita Sinha W/o Dr. Kallol Sinha, Aged About 29 Years R/o East Medinipur (West Bengal)
2. Smt. Chandna Beera W/o Shankari Prasad Beera, Aged About 54 Years R/o Uparmara, Tahsil Kota, District Bilaspur Chhattisgarh
3. Shankari Prasad Beera, S/o Late Jagannath Beera, Aged About 60 Years R/o Shakti Nagar, Ambikapur, District Ambikapur Chhattisgarh
4. Arijeet Beera, S/o Shankari Beera, Aged About 30 Years R/o Narmada Nagar, H- 1 / 91, Bilaspur, Tahsil & District Bilaspur Chhattisgarh

--- Applicants

Versus

- State of Chhattisgarh through Station House Officer, Civil Line, District Bilaspur Chhattisgarh

Respondent

For the applicants	:	Mr. Devesh Chandra verma, Advocate
For the State	:	Mr. Anant Bajpai, Panel Lawyer
For the Objector	:	Mr. F.S. Khare, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.12.2016

1. Apprehending arrest in connection with Crime No. 600/2016 registered at Police Station Civil Line, Bilaspur, Distt. Bilaspur (C.G) for the offences punishable under sections 498(A), 323, 34 of IPC, the applicants have filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was lodged by Smt.

Kajal Mishra Beera against the present applicants Dr. Aparajita Sinha who is sister-in-law, Smt. Chandna Beera, mother in law; Shankari Prasad Beera, father-in-law; and Arijeet Beera, husband of the complainant that she was married to Arijeet Beera on 07.07.2014 and subsequently she was subjected to torture for demand of dowry by the applicants. It is further stated that she was severely beaten by the husband. It is further alleged that subsequently the complainant came to know that applicant Arijeet Beera was earlier married and there was a divorce with his first wife. Thereafter the second marriage was performed with the complainant, thereby the offence has been committed.

3. Learned counsel for the applicant would submit that applicant No.1 Dr. Aparajita Sinha resides at West Bengal after her marriage; applicant no.2 Smt. Chandana resides at Kargi road at Kota whereas applicant Shankari Prasad at the relevant time was residing at a village in Ambikapur where he was posted as Deputy Director of Agriculture Department and all these places are distant from Bilaspur, therefore, omnibus allegations have been made against these applicants. It is further submitted that against the husband false allegations have been attributed. It is also submitted that applicant Arijeet Beera and complainant performed love marriage and still the applicant husband want to reconcile the marriage and since omnibus allegations have been made, the applicants may be admitted to anticipatory bail.

4. Per contra, learned State Counsel as also learned counsel for the objector oppose the prayer.
5. Perused the statement of victim u/s 161 Cr.P.C., and the report. Prima facie the documents and statement would show that the applicants 1 to 3 were living separately at distant places and omnibus allegations have been made against them. Therefore, I am inclined to allow the bail application of applicants 1 to 3. So far as it relates to applicant no.4, allegations have been attributed and hence his prayer is rejected.
6. Accordingly, the bail application applicants 1 to 3 is allowed and it is directed that in the event of arrest of applicants 1 to 3 Dr. Aparajita Sinha, Smt. Chandna Beera and Shankari Prasad Beera 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. The applicants 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 him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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