

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 700 of 2017**

1. Smt. Geeta Singh W/o Shri Bhagwan Singh, Aged About 30 Years R/o Sector-11, Khursipara, Bhilai, Tahsil And District Durg, Chhattisgarh
2. Smt. Poonam Singh W/o Shri Mithesh Singh, Aged About 28 Years R/o Shantipara, Baloda Bazar, Tahsil & District Balodabazar, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police In Charge, Police Station Supela, Bhilai, District Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Raza Ali, Advocate.
 For the Respondent/State : Shri Sumit Jhanwar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 568 of 2017, registered at Police Station – Supela, Bhilai, District – Durg, Chhattisgarh for the offences punishable under Section 498A/ 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. It is submitted by counsel for the applicants that the applicants have been falsely implicated in this case. It is submitted that the applicants in this case are sisters of the husband of the complainant. They are married previous to the marriage of their brother and residing separately. They have simply participated in the marriage of the brother that took place on 13.7.2016 and never visited the residence of their brother. The complainant in this case made a false allegation and lodged false FIR against them and the applicants have no connection with the crime, if any committed. Hence, the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant in her written complaint dated 7.7.2017 and in her Section 161 of the Cr.P.C. statement has made clear statement against the applicants that they had participated in subjecting the complainant to cruelty for demand of dowry. Hence, it is prayed that the applicants are not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The facts of the case are these that the marriage of the complainant and co-accused Rajendra Prasad was performed on 13.7.2016. Soon after the marriage, the complainant was subjected to torture and cruelty by her husband and in-laws demanding dowry in cash and one vehicle – Honda Activa which could not be arranged by the parents of the complainant. The complainant was sent away from her matrimonial home four months prior to

the date of filing of written complaint, for the reason that the demand of dowry was not fulfilled, After filing of complaint, the case has been registered and the investigation is pending.

7. Considering the submissions made and the contents of the case diary, taking into consideration that the fact that the applicants do not share the same household where the complainant is residing with her husband, the question of their participation in the said commission of crime raised by the applicants needs consideration. Hence, under these circumstances, this application deserves to be allowed.

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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They 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 them 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/-

(Rajendra Chandra Singh Samant)

Judge

Nimmi