

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 1374 of 2016**

1. Gopal Pandey S/o Raghunandan Prasad Pandey, aged about 67 years, R/o Ganesh Chowk, near Church, Baloda Bazar, District Baloda Bazar – Bhatapara, Chhattisgarh
2. Smt. Jyotsana Pandey W/o Gopal Pandey, aged about 59 years, R/o Ganesh Chowk, near Church, Baloda Bazar, District Baloda Bazar – Bhatapara, Chhattisgarh
3. Raja Pandey S/o Gopal Pandey, aged about 30 years, R/o Ganesh Chowk, near Church, Baloda Bazar, District Baloda Bazar - Bhatapara Chhattisgarh
4. Vinita @ Rinki Pandey D/o Gopal Pandey, aged about 32 years, R/o near Pili Building, behind Laxmi Niwas, Kumharpara, Fafadih, District Raipur, Chhattisgarh
5. Sweta Awasthi W/o Shailendra Awasthi, aged about 38 years, R/o near Pili Building, behind Laxmi Niwas, Kumharpara, Fafadih, District Raipur, Chhattisgarh

---- Applicants

**Versus**

State of Chhattisgarh through : Station House Officer, Police Station - City Kotwali, District Baloda Bazar - Bhatapara Chhattisgarh

---- Respondent

---

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For Applicants       | : | Shri Vivek Sharma, Advocate       |
| For Respondent/State | : | Shri Ashok Swarnkar, Panel Lawyer |
| For Objector         | : | Shri Virendra Verma, Advocate     |

---

**Hon'ble Shri Justice P. Sam Koshy****Order On Board****08.05.2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicants apprehending their arrest in connection with Crime No.337/2016 registered at City Kotwali, District Baloda Bazar - Bhatapara (CG) for the offence punishable under Section 498A/34 of IPC.

Applicant no.1 is father-in-law, applicant no.2 is mother-in-law, applicant no.3 is brother-in-law and applicants 4 & 5 are the sisters-in-law of the complainant Ankitamani Tripathi (Pandey). The allegation, as per the prosecution case, against

the present applicants, is that they were not happy with the complainant and they along with the husband of the complainant have been harassing the complainant demanding more and more dowry in spite of the father of the complainant having paid more than rupees fifteen lakhs at the time of marriage. In addition, applicant no.1 used to perform certain Pujapath with an intention of the complainant getting sick. In the course, when the complainant got sick, she was taken out from her matrimonial home in September, 2014, within less than three months' time from the date of marriage and since then, she is residing at her parental home.

However, a bare perusal of the case diary and the documents enclosed with it reveals that the allegation against the applicant no.1 is that he used to perform Pujapath with an intention of the complainant getting sick. The other allegations were of omnibus and general in nature. From the documents it also reveals that applicants 4 & 5 are residing separately at Raipur and the other three applicants are residing at Baloda Bazar, Bhatapara.

Taking into consideration the general and omnibus allegations levelled against the present applicants and also keeping in view the judgment of the Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar and another** reported in **(2014) 8 SCC 273**, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000 with one surety each in the like sum to the satisfaction of the Officer arresting them and they shall abide by all the following terms and conditions:

- (i) that the applicants shall make themselves available for interrogation before the concerned 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/-**

**P. Sam Koshy**  
Judge

Bhola