

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. (A) No. 1368 of 2016**

1. Prateek Hardwani S/o Shri Deepak Hardwani, aged about 26 years, R/o Sargipal Para, C/o Shri Jajgir Khan, Kondagaon, Chhattisgarh
2. Sangeet Hardwani S/o Shri Deepak Hardwani, aged about 24 years R/o Vikas Nagar, Kondagaon, District- Kondagaon, Chhattisgarh
3. Deepak Hardwani S/o Shri Govind Ram Hardwani, aged about 59 years, R/o Vikas Nagar, Kondagaon, District- Kondagaon, Chhattisgarh
4. Smt. Poonam Hardwani W/o Shri Deepak Hardwani, aged about 51 years, R/o Vikas Nagar, Kondagaon, District- Kondagaon, Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh through- Station House Officer, Police Station-
Kondagaon, District- Kondagaon, Chhattisgarh

---- Respondent

For Applicants	:	Smt. Fouzia Mirza, Advocate
For Respondent/State	:	Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****18.05.2017**

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. 258/2016 registered at P.S. Kondagaon, District Kondagaon (CG) for the offence punishable under Sections 498-A, 506, 34 of IPC.

2. As per the prosecution case, the present complaint was lodged by the complainant alleging harassment, ill-treatment, torture and also assault made at the hands of the present applicants.

3. Counsel for the applicant submits that a perusal of the entire case diary would reveal that there is no specific date or instance referred by the complainant in her statement and it is only bald and omnibus statement which has been made

in respect of harassment, torture and ill-treatment.

4. State counsel, however, opposes the bail application and submits that there is a statement of this complainant making serious allegation against the husband and in-laws both on the cruelty part as also the assault being made to her.

5. On perusal of the record, prima facie, there does not appear to be a specific instance being referred by the complainant in her statement and only general and omnibus allegation of ill-treatment, harassment and also assault has been made. Thus, considering the facts and circumstances of the case 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.

6. 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 or the Court concerned, as the case may be, with 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