

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 27 OF 2017

1. Alok Thawait, S/o Anirudhh Thawait, age 32 years
2. Smt. Piyushlata Thawait, W/o Anirudhh Thawait, age 61 years
Both R/o Village Andu, Police Station & Tahsil Chhal, District Raigarh (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Station In-charge, Mahila Thana, Raipur

... Non-applicant

For Applicants	:	Mr. Bhupendra Singh, Advocate.
For Non-applicant/State	:	Mr. U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicants who are apprehending their arrest in connection with Crime No. 15 of 2016, registered at Police Station- Mahila Thana, Raipur, District Raipur, for the offence punishable under Sections 294, 498-A, 34 of IPC.
2. Learned Counsel for the Applicants submits that the present Applicants have been falsely implicated in the present case, on account of a small dispute between Applicant No.1 and his wife, the Complainant, in connection with upbringing of their newly born child as the Applicant No.1 as well as the Complainant-Wife are both government employees and are separately posted at different locations and thereby there is some dispute in the upbringing of the child born to them. He further submits that the Applicant No.2, who is the mother-in-law of Complainant and the mother of Applicant No.1, is also a government employee and is posted at a different third location. He next submits that the matter has been in the past on various occasions being sent for compromise and there has been

compromise entered into but things did not work out and there is all possibility that there can be an amicable settlement and for all these the Counsel for the Applicants prays that the Applicants may be granted the benefit of anticipatory bail.

3. Learned Counsel for the State however opposes the anticipatory bail application referring to the written complaint and the FIR.

4. Perusal of the facts made in the statement as well as in the FIR though reflects serious allegations being made but there is no specific instance of any specific date except for the general allegation being made in the past as a regular feature. Further, from the record it does appear that there have been compromise efforts being made from both sides to resolve their dispute. Moreover, from the initial documents which have been enclosed with the anticipatory bail application it does not reflect that the allegation of ill-treatment, torture and harassment on account of insufficient dowry, as alleged by the Complainant, was available at the initial stage except when the written complaint was lodged.

5. 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 v. State of Bihar & Another**, 2014 (8) SCC 273, this Court is of the opinion that a prima facie strong case for grant of anticipatory bail is made out.

6. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicants in connection with Crime No. 15 of 2016, registered at Police Station- Mahila Thana, Raipur, District Raipur, for the offence punishable under Sections 294, 498-A, 34 of IPC, if each of them furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the

case may be, then they shall be released on bail on the following further 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.

/sharad/

Sd/-
(P. Sam Koshy)
Judge