

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. (A) No. 106 of 2017**

1. Smt. Aparna Goswami W/o Shri Sanjaygiri Goswami, aged about 28 years, R/o Ward No. 07 Khairagarh, Thana Khairagarh and District - Rajnandgaon, Chhattisgarh.
2. Smt. Shakuntla Goswami W/o Shri Chhatrapal Puri Goswami, aged about 50 years R/o Ward No. 2, Kawardha, Thana Kawardha, District- Kabirdham, Chhattisgarh.
3. Chhatrapal Puri Goswami S/o Shri Kailashpur Goswami, aged about 53 years, working as Upper Division Teacher, R/o Ward No. 2, Kawardha, Thana Kawardha, District Kabirdham, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh through : Police Station - Kawardha, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicants	:	Shri R. S. Patel, Advocate
For Respondent/State	:	Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05.05.2017**

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.19/2017 registered at P.S. Kawardha, District Kabirdham (CG) for the offence punishable under Sections 294 and 498A/34 of IPC.

The allegation against the present applicants is that they along with the husband of the complainant Kishorepuri Goswami have been subjecting the complainant to mental and physical torture on the demand of dowry right from the time of marriage which took place on 10.06.2015.

However, a perusal of the record shows that in the written report dated 13.01.2017 by the complainant, she has specifically mentioned that she had left her matrimonial home about six months prior to the date of lodging of the report and that her husband, after consuming liquor, used to torture her. So far as the

allegations against the present applicants are concerned, they are all omnibus and general in nature and no specific overtact or incident has been narrated against the present applicants in the complaint. So far the applicant no.1 is concerned, counsel for the applicants submits that applicant no.1 got married on 11.06.2015 and since then she has been residing in District Rajnandgaon whereas the complainant and others are staying at Kawardha.

State counsel however opposes the bail application.

Taking into consideration the general and omnibus allegations levelled against the applicants in the complaint 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 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