

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC (A) No. 173 of 2017**

1. Shailesh Kumar Lal S/o Shri Rajendra Kuma Lal Aged About 31 Years  
Occupation- Cultivation, R/o Shariffa Cottage, Ganga Nagar Sector-I I,  
Mangla, Police Station Civil Lines, Bilaspur, Tehsil & District Bilaspur,  
Chhattisgarh.
2. Smt. Doris Lal W/o Shri Rajendra Kumar Lal Aged About 59 Years  
Occupation Service, R/o Shariffa Cottage, Ganga Nagar Sector- I I,  
Mangla, Police Station Civil Lines, Bilaspur, Tehsil & District Bilaspur,  
Chhattisgarh.

**-----Applicants****Versus**

State of Chhattisgarh Through : Station House Officer, Police Station  
Civil Lines, Bilaspur, Tehsil and District Bilaspur (CG).

**---- Respondent**


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|----------------|---|--------------------------------------------------------------------------------------|
| For Applicants | : | Smt. Anubhuti Marhas, Advocate.                                                      |
| For Respondent | : | Shri Ashok Swarnakar, Panel Lawyer.                                                  |
| For objector   | : | Shri Prashant Jaiswal, Sr. Advocate<br>along with Shri Ashutosh Shukla,<br>Advocate. |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****18/05/2017**

1. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.117 of 2017 registered at Police Station Civil Lines, Bilaspur, for the offence punishable under Sections 342, 498-A, 323/34 IPC.
2. As per case of the prosecution, the complainant has filed a complaint on 19.02.2017 based upon which an FIR has been lodged. It is a case where the complaint has been lodged against the applicants for demand of dowry and also subjecting the complainant to ill treatment, torture and harassment from the date of her marriage.
3. Learned counsel appearing for the applicants submits that it is a case where the present applicants have been falsely implicated in the case.

The complainant does not want to adjust herself in the matrimonial home and wanted to stay with her parents. This fact was detected from the mobile phone of the complainant when the said mobile was given to a shop for repairing. The entire allegation in the complaint is hard to believe for the reason that marriage between the complainant and applicant No.1 took place only on 19.10.2016 and that the differences arose between the two immediately within two months and within these two months time, the complainant is said to have left the matrimonial home and started living with her sister.

4. The State Counsel as well as the Objector opposes the bail application on the ground that it is a case where there is a written complaint by the complainant that she was being subjected to ill treatment and cruelty by the applicants. They emphasized on the fact that the version of the complainant stands corroborated from the statement of a Constable of the Police Out post at Mangla, Bilaspur.
5. Taking into consideration the facts and circumstances of the case particularly the fact that dispute between the complainant and applicant No.1 started in less than two months of married life shows that prima facie it is a case of failed marriage where the complainant and applicant could not adjust each other and that thereafter differences arose. Further, the allegations are general and omnibus, therefore, keeping in view the judgment of Supreme Court in case of Arnesh Kumar Vs. State of Bihar and Another, 2014 (8) SCC 273, this court is of the view that it is a fit case for grant of anticipatory bail to the applicants.
6. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:
  1. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
  2. The accused/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;

3. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
4. 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.

7. Certified copy, as per rules.

Sd/-  
(P. Sam Koshy)  
**Judge**

inder