

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 186 OF 2017

1. Birendra Kumar Patel, S/o Shri Subhash Chandra Patel, aged about 35 years, occupation- Service, R/o Village- Saraipali, Thana and Tahsil- Dabhra, Civil and Revenue District- Janjgir-Champa, at present R/o Korba, District Korba (C.G.)
2. Subhash Chandra Patel, S/o Shri Haldhar Patel, aged about 60 years, occupation- Agriculturist, R/o Village- Saraipali, Thana and Tahsil- Dabhra, Civil and Revenue District- Janjgir-Champa (C.G.)
3. Smt. Bundkunwar Patel, W/o Shri Subhash Chandra Patel, aged about 55 years, R/o Village- Saraipali, Thana and Tahsil- Dabhra, Civil and Revenue District- Janjgir-Champa (C.G.)
4. Rajendra Kumar Patel, S/o Shri Kartik Ram Patel, aged about 39 years, occupation- Agriculturist, R/o Village- Pacheda, Thana – Kotraroad, Tahsil- Pussore, Civil and Revenue District- Raigarh (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Station House Officer, P.S. Dabhra, District Janjgir-Champa (C.G.)

... Non-applicant

For Applicants	:	Mr. Sunil Sahu, Advocate.
For Non-applicant/State	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/05/2017

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. 21 of 2017, registered at Police Station- Dabhra, District- Janjgir-Champa, for the offence punishable under Section 498-A/34 of IPC.
2. Allegation against the Applicants as per the prosecution case is that the Applicants is said to have subjected the Complainant to ill-treatment, torture and harassment on account of insufficient dowry and further demand of dowry. As per the prosecution case, marriage between the Applicant No.1 and the Complainant took place on 1.7.2014 and immediately from the time of marriage, the Applicants used to ill-treat the

Complainant demanding more dowry. As per the statement of the family members of the Complainant, the Applicants used to demand Scooter and a cash of Rs. 2 Lakh. It is further alleged that the Applicants is said to have taken the Complainant to her parental home and left her there in July, 2015 and thereafter they have not come to take her back until the demand is made, which forced the Complainant to lodge a report against them.

3. Learned Counsel for the Applicants at this juncture submits that firstly the entire allegation is general, omnibus and does not speak of any specific instance except for bald allegation being made. He further submits that it is a case where the Complainant was left at her parental home for her delivery in July, 2015 and in August, 2015 she delivered a baby child. Thereafter, the Complainant has refused to stay with the Applicants. That it is a case where the Applicant No.1 has in fact initiated a proceeding under Section 9 for restitution of conjugal rights and when the notice was served upon the Complainant she has immediately lodged the present false complaint against the Applicants and they have been implicated.

4. Learned Counsel for the State however opposes the anticipatory bail application referring to the statement of the Complainant.

5. Considering the total facts and circumstances of the case, particularly taking note of the fact that the Complainant had gone to her parental home in July, 2015 and delivered her child there and till January, 2017 there does not seem to be any complaint lodged by her anywhere else. Further, the statement of the Complainant only appears an omnibus, general and bald allegation of ill-treatment and harassment on account of demand of dowry. It is also pertinent to take note of the fact that Section 9 proceeding had been initiated by Applicant No.1 to which service of notice was also made upon the Complainant and immediately thereafter the present complaint has been lodged by the Complainant.

6. Considering the entire facts and circumstances of the case, this Court is of the opinion that a prima facie strong case is made out for grant of anticipatory bail.

7. 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. 21 of 2017, registered at Police Station- Dabhra, District- Janjgir-Champa, for the offence punishable under Section 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.

Sd/-
(P. Sam Koshy)
Judge