

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. (A) No. 327 of 2017**

1. Junaid Khan S/o J. M. Khan, aged about 27 years, R/o Faijnagar, Talapara, Civil Line, Tahsil & District- Bilaspur, Chhattisgarh.
2. J. M. Khan S/o late S. M. Khan, aged about 72 years, R/o Musalman Mohalla, Ward, No. 6, Takhatpur, Police Station Takhatpur, District- Bilaspur, Chhattisgarh.
3. Smt. Khakya Khan W/o J.M. Khan, aged about 65 years, R/o Musalman Mohalla, Ward, No. 6, Takhatpur, Police Station Takhatpur, District- Bilaspur, Chhattisgarh.
4. Javed Khan S/o J.M. Khan, aged about 26 years, R/o Musalman Mohalla, Ward, No. 6, Takhatpur, Police Station Takhatpur, District- Bilaspur, Chhattisgarh.
5. Firoz Mohammad Khan S/o J. M. Khan, aged about 40 years, R/o Ramsagarpara, Police Station - Kotwali, Korba, Tahsil & District- Korba, Chhattisgarh.
6. Smt Nurina Khan W/o Ajahar Khan, aged about 28 years, R/o Satya Nagar, Village Ameri Police Station Chakharbhatha, Tahsil Takhatpur, District- Bilaspur, Chattisgarh.

---- Applicants**Versus**

State of Chhattisgarh through the Station House Officer, Police Station Jarhagaon, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicants	:	Shri U. K. S. Chandel, Advocate
For Respondent/State	:	Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.05.2017**

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. 68/2017 registered at P.S. Jarhagaon , District Mungeli (CG) for the offence punishable under Sections 498-A, 323, 506 read with section 34 of IPC.

The case against the applicants is that a written report was lodged by the complainant on 01.04.2017 based on which the FIR has been lodged. As per the prosecution, the applicants used to subject the complainant ill treatment, torture and harassment accusing her of not bringing sufficient dowry at the time of marriage.

Counsel for the applicants submits that it was a love marriage between applicant no.1 and the complainant and that even a plain perusal of the contents of the complaint would reveal that from the date of marriage till the date she left her matrimonial home, there was no allegation whatsoever. All of a sudden, the complainant lodged the report on 1st of April, 2017 accusing the applicants of ill treatment and torture. He submits that a perusal of the complaint and the contents of the case diary would reveal that the allegations against the applicants are of omnibus and general in nature and that there is no specific allegation or overtact against each of the applicants. He further submits that from the time of marriage till the date of lodging of the complaint, there does not appear to have been any incident which has been narrated except for the omnibus complaint or the applicants accusing the complainant of not bringing sufficient dowry at the time of marriage.

State counsel, however, strongly opposes the bail application and submits that there is serious allegation leveled in the complaint by the complainant against the applicants and therefore, they are not entitled for grant of anticipatory bail.

However, on a specific query being put to the State counsel, he fairly submits that the allegations, if at all, also seem to have been more against the husband and not against other family members.

A perusal of the record would also show that the applicants 2 to 4 are residing at Takhatpur which is far away from the place where the complainant is residing. Applicant no.5 is also residing at Korba and applicant no.6 is a married lady living at different place far away from the house of the complainant.

Thus, taking into consideration all these facts 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.

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