

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 409 of 2017**

1. Mohan Lal Laharia S/o Late Shankar Lal Laharia, Aged About 62 Years R/o Flat No. 25, Near Sai Mandir, Goal Chauk, Rohanipuram, Raipur, Chhattisgarh.
2. Smt. Rajkumari Laharia W/o Mohanlal Laharia, Aged About 57 Years R/o Flat No. 25, Near Sai Mandir, Goal Chauk, Rohanipuram, Raipur, Chhattisgarh.
3. Deepak Rajore S/o Shri Anokhilal Rajore, Aged About 40 Years R/o Near Bombay Hospital, Apna Bazar, Indore, Madhya Pradesh.

---- Applicants**Versus**

- The State Of Chhattisgarh Through Police Station D.D. Nagar, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Arvind Shrivastava, Advocate.
For Respondent	:	Smt. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.6.2017**

1. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 114/2017 registered at Police Station D. D. Nagar, Distt. Raipur for the offence punishable under Sections 498A, 506/34 of the Indian Penal Code.
2. As per the case of the prosecution, applicant No.1 is father-in-law, applicant No.2 is mother-in-law and applicant No.3 is brother-in-law of the

complainant. Marriage of the complainant took place on 04.02.2016 with Lalit Kishore Laharia, son of applicant No.1 & 2. Immediately after the marriage relationship between the parties got strained and the complainant left her matrimonial home on 15.11.2016. Thereafter the complainant lodged FIR on 01.4.2017 making allegation of ill-treatment, harassment for demand of dowry.

3. Learned counsel for the applicant submits that on 04.02.2017 there was a conciliation meeting held at Family Conciliation Centre, at Ujjain and the statement of the complainant recorded before the conciliation centre is also enclosed with the bail application. A plain reading of the entire statement recorded on the said date would reveal that except for the vague submission made against applicants 1 & 2 for demand of dowry, all other allegations were omnibus and general in nature and that allegations did not attract anything in respect of cruelty, harassment, torture for demand of dowry. He further submits that in between, a reply to legal notice for the proceedings under Section 9 of the Hindu Marriage Act was also submitted by complainant side wherein also no such allegation as has been reflected in the FIR been referred to in the conciliation proceedings. He further submits that so far as applicant No.3 is concerned, he resides at Indore, far away from the place of the complainant and he has been falsely implicated with malafide intention.

4. On the other hand, learned counsel for the State on due verification of the case diary does not dispute these facts, but opposes the bail application on the ground that it is only an anticipatory bail which is being sought, the allegations are serious in nature and the applicants do not

deserve to be released on bail.

5. Having heard learned counsel for the parties, considering the facts and circumstances, particularly nature of allegations and the fact that even during the conciliation proceedings held on 04.02.2017 at Ujjain, the allegations which are levelled in the FIR did not find place. Moreover the husband of the complainant has already been granted anticipatory bail by this Court on 24.5.2017 in MCRCA No.384/2017.

6. All these aforesaid conditions prima facie makes it a strong case for grant of anticipatory bail particularly keeping in mind the judgment of the Hon'ble Supreme Court in *Arnesh Kumar Vs. State of Bihar and Another* [(2014) 8 SCC 27].

7. Accordingly, the application is allowed.

8. It is directed that in the event of arrest, the applicants shall be released on bail on furnishing a bond in the sum of Rs.25,000/- each 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 him/her 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.

Certified copy, as per rules.

Sd/-

(P. Sam Koshy)
Judge

Bini