

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 572 of 2017**

1. Pramod Kumar Choudhary, S/o. Shri Janakram Choudhary, Aged About 29 Years, R/o. Village, Police Station, Tahsil - Sonhat, District -Korea Chhattisgarh.
2. Janakram Choudhary, S/o. Hiasai, Aged About 51 Years, R/o. Village, Police Station, Tahsil -Sonhat, District -Korea, Chhattisgarh.
3. Subhagiya, W/o. Shri Janakram Choudhary, Aged About 46 Years, R/o. Village, Police Station, Tahsil - Sonhat, District -Korea Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station - Sonhat, District- Korea Chhattisgarh.

---- Respondent

For Applicants	: Mr. Jai Prakash Shukla, Advocate
For Respondent/State	: Mr. Sumit Jhanwar, Panel Lawyer
For Objector	: Mr. D.N. Prajapati, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/10/2017**

1. Apprehending arrest in connection with Crime No.41/2017 registered at Police Station- Sonhat, District – Korea (C.G.), for offence punishable under Section 498-A, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. At the very out set, learned counsel for the applicants seeks permission of this Court to withdraw the bail application with

respect to the applicant No.2 as the applicant No.2 – Janakram Choudhary has been arrested and enlarged on regular bail by the trial Court. Accordingly, the bail application with respect to the applicant No.2- Janakram Choudhary is dismissed as withdrawn.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. It is further submitted that in a similar complaint made by the wife of the applicant No.1, an enquiry report was submitted by the S.H.O., P.S. - Sonhat that complainant does not want to prosecute her husband on the basis of statement given by the complainant – Raj Kumari Chaudhari, it can not be held that there had been any demand of dowry from her. It is subsequent to that complainant has given written report on 02.06.2017, on the basis of which, the offence has been registered. Therefore, the counsel prays that the applicant No.1 and 3 may be benefited with grant of anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that the complainant has leveled categorical statement against the applicants for subjecting her to cruelty to make demand for dowry. Hence, they are not entitled for grant of anticipatory bail.
5. Mr. D.N. Prajapati, learned counsel appearing on behalf of the objector/complainant submits that there is no hope for conciliation or compromise in this case as the applicant No.1 is having relationship with some other woman and this is the main reason for dispute between the applicant No.1 and the complainant, hence, he prayed that applicants are not entitled to be released on anticipatory bail.

6. I have heard the learned counsel for the parties and perused the case diary and the documents.
7. Considering the facts and circumstances of the case, the contents of the case diary and also the documents submitted on behalf of the applicants along with the bail application, this Court is inclined to extend the benefit of anticipatory bail to the applicant No.3- Subhagiya. Whereas considering the facts and circumstances of the case and the material available on record against the applicant No.1, this Court is not inclined to release the applicant No.1 – Pramod Kumar Chaudhari on anticipatory bail.
8. Accordingly, the anticipatory bail application with respect to the applicant No.3 – Subhagiya is allowed and with respect to the applicant No.1 – Pramod Kumar Choudhary is rejected. It is directed that in the event of arrest of the applicant No.3 in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram