

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C (A). No. 720 of 2017

- Smt. Jayshri Sharma W/o Vijay Kumar Sharma, Aged About 52 Years R/o M I G 28, Phase 2, Mahaveer Nagar, Police Station Rajendra Nagar, Raipur, District Raipur, Chhattisgarh
- Ku. Swarnima Sharma, D/o Vijay Kumar Sharma, Aged About 24 Years R/o M I G 28, Phase 2, Mahaveer Nagar, Police Station - Rajendra Nagar, Raipur, District Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sector-6, Bhilai Nagar, District Durg, Chhattisgarh.

---- Respondent

For the applicants : Ms. Sharmila, Singhai,
Advocate

For the Respondent/State : Shri Anant Bajpai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21.11.2017

1. Apprehending arrest in connection with Crime No.308/2017 registered at Police Station- Sector 6 Bhilai Nagar, District – Durg (C.G.), for offence punishable under Section 498-A / 34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted that applicants have been falsely implicated in this case. Akash Deep, son of Applicant No. 1 and the complainant had performed marriage as a result of love affair between them. Subsequent to that the families of both consented this relationship and their marriage was performed according to the rituals. In the month of June 2016 when co-accused Akash Deep admitted in the hospital for surgery at that time, complainant was alone in the house and found consuming liquor and cigarette, when it was objected, the complainant left her matrimonial house. A notice was sent by the complainant dated 02.12.2016 to her husband and the applicants making false allegations which was replied. Counseling was done in the Mahila Cell, Section – 6, Bhilai Nagar, Durg, which ended up without any result. Co-accused filed a divorce petition before the Family Court. On receiving the notice of the same, the complainant has lodged FIR on 10.07.217 making false allegations against applicants and co-accused. It is submitted that no offence have been committed by the applicants, hence, they may be enlarged on bail.
3. Learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that in the statement of the prosecutrix it is clear that the

applicants were subjecting the complainant to cruel treatment and making demand of dowry and also demanded a car, hence, they are not entitled for grant of bail.

4. Learned counsel for the objector that complainant was compelled to leave her matrimonial house on account of demand of dowry made by the applicant and her husband and subsequent to that she had filed a written complainant before Superintendent of Police, Durg, on 26.10.2016 but no offence was registered on that basis, On 17.12.2016 she again filed a complaint in Mahila Thana making same allegations upon demand of dowry subjecting to cruel treatment because of which counseling was done by the Mahila Cell. It is denied that the FIR was lodged in counter blast to the proceeding of divorce initiated by her husband. It is submitted that applicants are not entitled for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary.
6. The facts of the case are these complainant and co-accused (Akash Deep) performed registered marriage on 01.01.2016 , thereafter, their marriage according to rituals were performed on 20.01.2016 in Gayatri Temple, Bhilai. As it is alleged in the FIR that the husband of the complainant, applicants started to demand of dowry from the complainant and the demand on not being met the complainant was subjected to cruel treatment by them, because of which complainant was compelled to left her matrimonial home. After failure of the attempts of conciliation between the parties, FIR was lodged,

on the basis of which aforesaid offence registered against the applicants and co-accused.

7. Considering the submissions and contents of the case diary and looking to facts and circumstances of this case keeping in view laid down by Supreme Court judgment of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273**, and **Rajesh Sharma Vs. State of Uttar Pradesh and Ors** reported in **(2017) 8 SCALE 313**.
8. Considering that the possibility conciliation between the parties it appears proper that applicants should be benefited with grant of anticipatory bail.
9. Accordingly the anticipatory bail application is allowed.
10. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the 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 /-

(Rajendra Chandra Singh Samant)

Judge

Jamal