

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 823 of 2017**

1. Manoj Agrawal S/o Vishwanath Agrawal Aged About 48 Years R/o M/s Garg Enterprises, Main Road, Rajgaangpur, District Sundergarh, Odhisha Mobile No. 09437220383
2. Devashish Agrawal S/o Ashok Kumar Agrawal Aged About 29 Years Permanent Address Near Ashutosh Textiles, Main Road, Rourkela, District Sundergarh, Odhisha Presently At Rungta House Finance Department, Chaibasa, District Paschim Singhbhum, Odhisha Mobile No. 09437220383
3. Anulakshmi Agrawal, D/o Ashok Kumar Agrawal Aged About 22 Years Permanent Address Near Ashutosh Textiles, Main Road, Rourkela, District Sundergarh, Odhisha, Presently At Rungta House, Finance Department, Chaibasa, District Paschim Singhbhum, Odhisha Mobile No. 09437220383

**---- Applicants****Versus**

State Of Chhattisgarh Through The Station House Officer Police Station Tilda Nevra, District Raipur

**---- Respondent**


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|--------------------------|---|-----------------------------------------------------------------------|
| For the Applicants       | : | Shri Shailendra Dubey, Advocate.                                      |
| For the Respondent/State | : | Shri Wasim Miyan, P.L.                                                |
| For the Objector         | : | Shri K.A. Ansari, Senior Advocate with<br>Shri Vipin Singh, Advocate. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****24.11.2017**

Heard.

1. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 236 of 2017, registered at Police Station – Tilda Nevra, District – Raipur, Chhattisgarh for

the offences punishable under Section 498A and 304B/ 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

2. It is submitted by counsel for the applicants that the applicants are innocent and they have been falsely implicated in this case. All the applicants are residents of Rajgaangpur, District Sundergarh, Odisha whereas the deceased and her husband used to reside in Tilda Neora, District Raipur when the incident took place. The parents of the deceased have made false allegations against the applicants simply for the reason that they are related to husband of the deceased, as it is very common to rope-in all the relatives of the husband of the deceased in such cases. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that all the witnesses in this case have clearly stated against the applicants that they had been active in supporting the demand of dowry made by the husband of the deceased. Hence, looking to the case against the applicants, they are not entitled for grant of anticipatory bail.

4. Learned counsel for the Objector adopts the arguments submitted by the State counsel and submits that looking to the evidence against the applicants, it is clear that the applicants are responsible for the dowry death caused. Hence, the applicants do not deserve to be benefited with grant of anticipatory bail.

5. Heard counsel for the parties and perused the case diary.

6. The facts of the case are that the marriage of deceased – Lalita Agrawal with accused – Vishal Agrawal was performed on 27.6.2013. Thereafter, the deceased was residing with her husband in Tilda Neora. It is alleged that the husband of the deceased demanded dowry of cash Rs.5,00,000/- and a car to be provided by his in-laws and also used to treat her with cruelty. Ultimately, deceased – Lalita Agrawal died unnatural death on 9.6.2017. Postmortem examination and FSL report suggest that the death was caused due to consumption of some poisonous substance. On the basis of the statement given by the witnesses, offences were registered against the applicants. After completion of investigation, the charge-sheet has been filed.

7. Considering the submissions made and the contents of the case diary, taking into consideration the fact that the applicants are resident of Rajgaangpur, District Odisha and the deceased used to reside in Tilda Neora, District Raipur with her husband where her unnatural death has occurred, as also keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, I am of the opinion that the present is a fit case where the applicants are entitled to be released on anticipatory bail.

8. 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 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. They 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 them 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