

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1197 of 2016**

1. Rohit Panariya S/o Dadana Panariya Aged About 41 Years Cast-Panika, R/o - Dungarkherwa, Police Station- Pendra, District-Bilaspur, Chhattisgarh
2. Smt. Kiran Panariya W/o Rohit Panariya Aged About 35 Years Cast- Panika, R/o - Dungarkherwa, Police Station- Pendra, District-Bilaspur, Chhattisgarh
3. Chandra Kumar S/o Dadana Panariya Aged About 34 Years Cast-Panika, R/o - Dungarkherwa, Police Station- Pendra, District-Bilaspur, Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through:- S.H.O.- Charcha, Baikunthpur, District- Koriya, Chhattisgarh

---- Respondent

For Applicants : Mr. Hemand Gupta Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****13-01-2017**

1. Apprehending arrest in connection with Crime No. 120 of 2016 registered at Police Station Charcha, District Koriya (CG) for offence punishable under Sections 498-A, 323, 34 of the IPC and Section 3 & 4 of Dowry Prohibition Act, the applicants have preferred the instant bail application for grant of anticipatory bail.
2. As per case of the prosecution, 8-9-2016 a report was made by complainant Smt. Sangita Panariya that she was married to applicant No.3 Chandra Kumar on 28-4-2015 and thereafter she was subjected to torture for demand of dowry by the husband and family members, car was demanded by husband and family

members and family members enticed her husband to commit assault on the wife and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that wife of applicant No.3 Chandra Kumar remained only ten days in her matrimonial house and thereafter she left her matrimonial house and subsequently false allegations have been attributed against the applicants, therefore, the applicants may be extended the benefit of Section 438 of the Cr.P.C.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the complainant wherein general allegations have been attributed against the present applicants.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the present applicants and further considering the statement of the complainant, I am of the considered opinion, prima facie, that it is a fit case where benefit of Section 438 of Cr.P.C., can be extended to the present applicants.
8. Accordingly, the bail application filed under Section 438 of Cr.P.C., for grant of anticipatory bail 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 the sum of Rs.25,000/- with one local surety 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) 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/-
(Goutam Bhaduri)
Judge

Raju