

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1256 of 2016

1. Hemant Kumar Deshmukh S/o Late Daman Singh Deshmukh
Aged About 33 Years,

2. Purendra Kumar Deshmukh S/o Late Daman Singh Deshmukh
Aged About 28 Years,

Both are R/o Near Purohit Lodge, Apapura, Police Station Durg
Tahsil Civil & Revenue District Durg Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : S. H. O. - Mahila Thana Durg
Chhattisgarh

---- Respondent

For applicants – Shri Atanu Ghosh, Advocate.

For Respondent/State –Shri U.K.S. Chandel, PL.

For objector – Shri Goutam Khetrapal, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

9/03/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.20/2016 registered at Police Station Mahila Thana, Durg (C.G.) for offence punishable under Sections 498 (A), 354 read with 34 of Indian Penal Code and Section 4 of Dowry Prohibition Act.

2. As per the prosecution case, a report was made by Smt. Archana Gautam on 13/10/2016 that she was married to Hemant Kumar Deshmukh applicant No.1 on 29/11/2012. Thereafter, she was subjected to torture for various reasons and was abused. It is also alleged that Purendra Kumar Deshmukh applicant No.2 who is brother-in-law also tried to outrage her modesty. Consequently, report has been lodged.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the case, wife infact wanted to stay separately and was insisting to have partition which was not agreed. He further submits that parties also participated in the conciliation proceeding and exaggerated subsequent report has been made by the wife. It is further submitted that initially there has been conciliation has arrived at but the wife refused to stay alongwith the family members, as such false report has been made, therefore the applicants may be granted benefit of anticipatory bail.

4. Learned State counsel and counsel for the objector opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the documents and the statement made during conciliation proceeding wherein it shows that conciliation were drawn in between the parties on 13/09/2016 and general allegations have been attributed. Subsequently, report was made. Considering the entirety, I am inclined to extend benefit of anticipatory bail to the applicants.

6. 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 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) 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/-

(Goutam Bhaduri)

JUDGE