

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1236 of 2016

1. Sachin Kumar Sahu S/o Gajendra Kumar Sahu Aged About 30 Years,
2. Gajendra Kumar Sahu S/o Late Gaya Deenji Sahu Aged About 53 Years,
3. Smt. Aasha Sahu W/o Gajendra Kumar Sahu Aged About 51 Years,

All the applicants are Teli by Caste, R/o Village Semardarri, Police Station & Tehsil Marvahi, Revenue & Civil District Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer Marvahi, Revenue & Civil District Bilaspur, Chhattisgarh.

---- Respondent

For applicants – Shri Surfaraj Khan, Advocate.
For Respondent/State –Shri U.K.S. Chandel, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

8/03/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.154/2016 registered at Police Station Marvahi, District Bilaspur (C.G.) for offence punishable under Sections 498 A, 347, 323, 506 of IPC and Sections 3 & 4 of Dowry Prohibition Act.
2. As per the prosecution case, a report was lodged by Smt. Radha Sahu that she was married to applicant No.1 Sachin Kumar Sahu in the year 2013. Thereafter, she delivered a child in 2014 by operation, however child died. Thereafter, she being indisposed was kept in the house of her father. Thereafter, compromise was affected and she came back, however she was subjected to torture and

various demands were made. Thereby, offence has been committed.

3. Learned counsel for the applicants submits that on the trivial issue the dispute occurred, since wife was in the house of her mother and father compromise was affected and they started living together. He submits that charge sheet has been filed and the applicants have been falsely implicated in the case which would be evident from the compromise filed with this application and also threat was extended that the applicant and their family members would be inculpated in the false case for which a report was made on 11/05/2016. Learned counsel therefore submits that the applicants may be granted benefit of anticipatory bail.

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

5. Perused the case diary and the documents. FIR was made on 28/09/2016. Perused the report as also statement. Considering the entirety of the case and the statement, it appears that omnibus allegations have been levelled in the report against the applicants. Considering the facts, 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