

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C (A) No. 970 of 2017

1. Om Prakash Soni S/o Shri Umashankar Soni Aged About 53 Years Caste - Sonar, R/o Village Patna, Railway Station Road, P. S. Patna, Railway Station Road, P. S. Patna Tahsil Baikunthpur District Korea Chhattisgarh
2. Smt. Devki Soni @ Ranu W/o Om Prakash Soni Aged About 50 Years Caste - Sonar, R/o Village Patna, Railway Station Road, P. S. Patna, Railway Station Road, P. S. Patna Tahsil Baikunthpur District Korea Chhattisgarh
3. Vipin Kumar Soni S/o Om Prakash Soni Aged About 21 Years Student, Caste - Sonar, R/o Village Patna, Railway Station Road, P. S. Patna, Railway Station Road, P. S. Patna Tahsil Baikunthpur District Korea Chhattisgarh

----Applicants

Versus

- State Of Chhattisgarh Through S. H. O. Police Station Patna District Korea Chhattisgarh.

---- Respondent

For Applicant	: Ms. Indira Tripathi, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30.11.2017

1. Apprehending arrest in connection with Crime No.233/2017 registered at Police Station- Patna, District – Korea C.G.), for offence punishable under Sections 498 – A/34 of the Indian Penal Code, the applicant have preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that the applicants have been falsely implicated in this case by the complainant (Pushpa Soni). After performance of marriage on 17.06.2017 the complainant (Pushpa Soni) has stayed for 08 days in her matrimonial home and returned to her paternal home, thereafter, she came back to her matrimonial home but again she left for her paternal home for Rakhi festival, but did not return to her matrimonial home and lodged false FIR against the applicants, hence, the applicants pray for grant of anticipatory bail.
3. Learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the complainant has made clear allegations against the applicants about demand of dowry and subjecting her to cruel treatment, hence, the applicants are not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused all the documents placed on record.
5. Facts of the case are these, that marriage of the complainant (Pushpa Soni) with the son of the applicants No. 1 and 2 was performed on 17.06.2017. After the brief stay in her matrimonial home she left for paternal home for Rakhi festival and did not return to her matrimonial home. A written complaint was given by the complainant on 20.08.2017 in concerned police station of Madhya Pradesh. The case was transferred to PS- Patna,

District – Korea, on the basis of this complaint FIR has been lodged against the applicants and another.

6. Considering the submissions and contents of the case diary and taking into consideration specific allegations of the complainant against the applicants and also keeping in view of the principals 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**, I am of the opinion that the applicants who are the father-in-law, mother-in-law, and brother-in-law of the complainant deserve to be benefited with grant of anticipatory bail.
7. 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 offences, 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