

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1260 of 2016**

1. Smt. Geeta Bai Sharma, W/o. Jagdish Prasad Sharma, Aged About 60 Years,
2. Jagdish Prasad Sharma, S/o. Chhaju Prasad Sharma, Aged About 80 Years (Wrongly Mentioned the Father Name Of The Applicant No. 2 As Sadhu Prasad Sharma in the Rejection Order)

Both R/o - Village - Belargaon, Post Office, Police Station & Tahsil - Sihawa, District – Dhamtari, Chhattisgarh

3. Ku. Poonam Sharma, D/o. Jagdish Prasad Sharma, Aged About 25 Years, R/o. - Mahalaxmi Colony, Ghasidas Ward, Dhamtari, Post Office & Police Station - Dhamtari, Tahsil & District - Dhamtari Chhattisgarh.

----Applicants

Versus

1. State Of Chhattisgarh, Through :The Station House Officer, Police Station - Sihawa, District - Dhamtari Chhattisgarh .

---- Respondent

For Applicants	: Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****02/03/2017**

1. Apprehending arrest in connection with Crime No.88/2016 registered at Police Station- Sihawa, District – Dhamtari (C.G.), for offence punishable under Section 498 (A)/34 of Indian Penal Code, and Section 3/4 of Dowry Prohibition Act, the applicants have preferred this application for grant of anticipatory bail.

2. Case of the prosecution in brief is that a report was made by Chandani Sharma against the present applicants and her husband Gajendra Sharma that she was married to Gajendra Sharma on 19.05.2015, thereafter, she was subjected to torture for demand of dowry and physical assault was also made and she was thrown out of the house on 07.07.2015. The present applicants are mother-in-law, father-in-law and sister-in-law of the complainant. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case and only omnibus allegations have been attributed. It is further submitted that the applicant No.1, who is father-in-law is aged about 80 years and applicant No.2, who is mother-in-law is aged about 60 years and the applicant No.3 is residing separately and only false allegation have been levelled. Therefore, the counsel prays that the applicants may be extended the benefit of anticipatory bail.
4. Per contra, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents, statement of the complainant as also the conciliation proceeding. Considering the facts and circumstances of the case and taking into the nature of allegation levelled against the applicants, this Court is inclined to extend the benefit of anticipatory bail to the applicants as custodial interrogation of the applicants may not be required in this case.

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 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) 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge