

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1273 of 2016

1. Kedarnath Sahu S/o Late Sarju Ram Sahu, Aged About 65 Years.

2. Smt. Shalini Sahu, W/o Kedarnath Sahu, Aged About 60 Years,

Both are R/o House No. 3/931 In Front Of Rajkumar College,
Karbapara Raipur, Tahsil & District Raipur Chhattisgarh
Mobile No. 98265-15787

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police
Station Sarswati Nagar, District Raipur Chhattisgarh

---- Respondent

For applicants – Shri Y.C. Sharma, Advocate.
For Respondent/State – Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/03/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 128/2016 registered at Police Station Sarswati Nagar, Raipur District Raipur (C.G.) for offence punishable under Section 498(A) read with section 34 of Indian Penal Code.

2. As per the prosecution case, a report was made by Sakuntala Sahu on 8/10/2016 that she was married to Ritesh Sahu on 6/06/2015. Thereafter after joining the matrimonial home the applicants who are father-in-law and mother-in-law used to torture the complainant for demand of dowry for motorcycle and other house hold goods and she was subjected to cruelty. Thereby, offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the case and they are father-in-law and mother-in-law and only omnibus allegations have been attributed, no specific allegations have been made and applicant No.1 is retired government employee. He submits that the complainant herself never wanted to stay in matrimonial house and she was not happy, therefore she has left the house of her own, therefore the applicants may be granted benefit of anticipatory bail.

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

5. Perused the statement of the complainant as also the conciliation which took place between the parties. Taking into omnibus nature of allegations, 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