

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1415 of 2016**

1. Omprakash Dubey, S/o R.S. Dubey, aged about 65 years,
2. Smt. Parvati Dubey, W/o Omprakash Dubey, aged about 60 years
3. Avinash Dubey, S/o Omprakash Dubey, aged about 32 years

All are R/o Hemunagar, Murrabhatha, Police Station Torwa, Tahsil and Civil and Revenue District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Torwa, District Bilaspur, Chhattisgarh

---- Non-Applicant

For Applicants : Smt. Meena Shastri, Advocate.
 For Non-Applicant : Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****29/11/2017**

1. The applicants have preferred this application for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.126/2013, registered at Police Station Torwa, District Bilaspur for offences punishable under Sections 498-A, 420/34 and 120-B of the IPC.
2. Applicant No.1 Omprakash Dubey, aged about 65 years, is the father-in-law, applicant No.2 Smt. Parvati Dubey, aged about 60 years, is the mother-in-law and applicant No.3 Avinash Dubey, aged about 32 years is the brother-in-law of complainant Anupama Abhishek Dubey, who was married with Abhishek Dubey on 11.1.2011. Both of them are said to be Software Engineers and were working at Pune. The complainant had earlier made a

complaint to the police, which was investigated and a closure report was filed, therefore, the complainant lodged a private complaint along with application under Section 156 (3) CrPC on which the present crime has been registered.

3. Reading of the material available in the case diary would indicate that the complainant is not alleging demand of any specific item or jewellery or cash.
4. Moreover, the present applicants are not husband but are relatives of the husband. In the bail rejection order itself, the Additional Sessions Judge has observed that there is no evidence that her husband has performed second marriage.
5. Considering the age of the applicants 1 & 2 and the fact that they are relatives of the husband as also for the fact that the offences are triable by the JMFC, this Court is inclined to extend the benefit of Section 438 CrPC to the applicants.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (i) they shall make themselves available for interrogation by a police officer as and when required;
- (ii) they 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 from disclosing such facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)