

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 40 of 2018**

1. Smt. Sarita Agrawal, W/o. Shri Anil Kumar Agrawal, Aged About 54 Years, Occupation – House Wife
2. Anil Kumar Agrawal, S/o. Late Shri Rajendra Das, Aged About 62 Years, Occupation Retired.
3. Nihar Agrawal, S/o. Shri Anil Kumar Agrawal, Aged About 31 Years, All R/o. 401, Adinath Parisar, Ganga Nagar, Mangla Police Station Civil Lines, Bilaspur Tehsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Applicants**Versus**

State Of Chhattisgarh, Through : District Magistrate, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. R.S. Marhas, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer.
For Objector	: Mr. P. Dutta, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/04/2018**

1. Apprehending arrest in connection with Crime No.903/2017, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. All the complaint that has been made by the complainant can be regarded as simple grievance and complaint about the gifts received from the paternal home of the complainant. The stand of the applicants is

this that they have never demanded any dowry. On the contrary when the complainant left her matrimonial home on 31.10.2016. number of attempts were made to bring her back to home. The conciliation proceeding went on before the Parivar Paramarsh Kendra, Bilaspur but that proceeding failed as the complainant was adamant that action should be taken against the applicants. Hence, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. According to the complainant made against the applicants, complainant was being subjected to cruel treatment for demand of dowry, hence, looking to the clear allegation, no case is made out for grant of anticipatory bail.
4. Counsel for the objector submits that because of demand of dowry, the complainant was tortured and she was driven out of her matrimonial home on 01.11.2016. There is a prima-facie evidence against the applicants, hence, the applicants are not entitled for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The marriage of the applicant No.3 with the complainant Shilpi Agrawal took place on 11.03.2016. The complainant lived in her matrimonial home till 31.10.2016 and after that she was allegedly driven out by the applicants as the demand of dowry could not be met with by the parents of the complainant. Subsequent to that FIR was lodged on 01.12.2017. Hence, this case.

7. Considered the submissions made and the contents of the case diary and also perused all the documents attached with the application. It seems that the applicants have made enough attempts to reconcile with the complainant and the document of the Parivar Paramarsh Kendra, Bilaspur shows that the complainant had been adamant in not accepting the terms of conciliation. Taking into consideration this fact and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram