

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 56 of 2018**

1. Manoj Kumar Singh, S/o. Late Baikunthnath Singh, Aged About 50 Years, R/o. M Q 50 Shakti Nagar Thana Deepka Tahsil Katghora District- Korba, Chhattisgarh.
2. Dinesh Singh, S/o. Sambhunath Singh, Aged About 52 Years, R/o. Q. No. 98, Urja Nagar, Thana Deepka Tahsil Katghora, District -Korba, Chhattisgarh.
3. Smt. Rita Singh, W/o. Dinesh Singh, Aged About 49 Years, R/o. Q. No. 98, Urja Nagar Thana -Deepka, Tahsil -Katghora, District – Korba, Chhattisgarh.
4. Pramod Singh, S/o. Late Baikunthnath Singh, Aged About 45 Years, R/o. G.M. Complex SECL Chirmiri, P. O. and Thana -Chirmiri, District -Korba, Chhattisgarh.

**----Applicants****Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station-Deepka, District -Korba, Chhattisgarh.

**---- Respondent**


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| For Applicants       | : Mr. S.R.J. Jaiswal, Advocate      |
| For Respondent/State | : Mr. Aaditya Sharma, Panel Lawyer. |

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

1. Apprehending arrest in connection with Crime No.175/2017, registered at Police Station – Deepka, District – Korba (C.G.) for offence punishable under Section 498-A, 323 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. The marriage of the applicant No.1 with complainant is almost 17 years old, hence, looking to the length of marriage, no case is made out of demand of dowry. Further the allegation that has been made by the complainant against these applicants is totally false for the reasons that the FIR dated 27.11.2017 has been lodged by the complainant after the divorce petition filed by the applicant No.1 as a counter blast. It is also submitted that in the further development that has taken place, the divorce petition filed by the applicant has been withdrawn on the basis of the compromise between the applicant No.1 and the complainant his wife in which, both of them stated that they again want to live together. Hence, under these circumstances, 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 evidence on record, prima-facie case is made out against the applicants for their prosecution in this case. Hence, the application for grant of anticipatory bail may be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The marriage of the applicant No.1 with the complainant Sharda Singh was performed on 25.04.2001. Applicant No.1 and complainant have two children of this wedlock. Few months prior to lodging of FIR, complainant started living separately. It is alleged in

the FIR lodged that the applicants were subjecting the complainant to cruel treatment for demand of dowry and also used to assault her on various pretext by using abusive words against her. Hence this case.

6. Considered the submissions made and the contents of the case diary and also perused the certified copy of the order sheet dated 05.02.2018 of case No.59-A/2018, before the Court of Family Court (Camp Court – Katghora), which has been produced for perusal of this Court according to which, the compromise has been arrived between the parties before the Family Court and the divorce petition has been withdrawn. This is positive development with respect to the matrimonial dispute between the applicant No.1 and his wife, complainant. 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 applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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