

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1169 of 2017

1. Satwan Das S/o Shri Sahettar Das, Aged About 31 Years Caste Panika, R/o Village Dhurena, Police Station Deepaka, Civil & Revenue District Korba Chhattisgarh
 2. Sahettar Das, S/o Shri Charan Das, Aged About 50 Years Caste Panika, R/o Village Dhurena, Police Station Deepaka, Civil And Revenue District Korba Chhattisgarh
 3. Safin Bai, W/o Shri Sahettar Das, Aged About 45 Years Caste Panika, R/o Village Dhurena, Police Station Deepaka, Civil And Revenue District Korba Chhattisgarh,
 4. Heera Bai, W/o Shri Ganesh Ram Patel, Aged About 43 Years Caste Panika, R/o Village Dhurena, Police Station Deepaka, Civil And Revenue District Korba Chhattisgarh,
 5. Ku. Rajani Mahant, D/o Shri Sahettar Das, Aged About 21 Years Caste Panika, R/o Village Dhurena, Police Station Deepaka, Civil And Revenue District Korba Chhattisgarh,
 6. Kaleshwari Bai W/o Shri Maheshwar Das, Aged About 27 Years Caste Panika, R/o Village Raliya, Police Chauki Hardibazar, Police Station Kusmunda, Civil And Revenue District Korba Chhattisgarh.
- Petitioners**

Versus

State of Chhattisgarh through the Station House Officer, Police Station Deepaka, Civil & Revenue District Korba Chhattisgarh,
Chhattisgarh

--- Respondent

For the applicants	:	Mr. Paras Mani Shriwas, Advocate.
For the State	:	Mr. Suryakant Mishra, P.L.
For the objector	:	Mr. Rajnish Shrivastava, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.03.2018

1. Apprehending arrest in connection with Crime No. 173/2017 registered at Police Station Deepaka, Distt. Korba (C.G) for the offences punishable u/ss 498-A, 323, 34 of IPC and section 3 of the Dowry Prohibition Act, the

applicants have filed this application u/s 438 of the Code of Criminal Procedure.

2. As per the prosecution case, a First Information Report was lodged by the complainant Smt. Padmini Mahant, that she was married to Applicant No.1 Satwant Das and thereafter she was subjected to torture for demand of dowry and she was also assaulted. It is also alleged that she was subjected to assault during her pregnancy.
3. Learned counsel for the applicants would submit that the incident is said to have taken place on 08.09.2016 but the report was made much after long time, therefore, there is inordinate delay in filing the report and omnibus allegations have been levelled against all the applicants.
4. Per contra, learned State Counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary documents and the statement of victim. It appears that main allegation of assault is on the husband that after consuming liquor he has assaulted the wife, for which, medical report is also enclosed.
6. Considering the nature of allegations attributed to applicant No.1, I am not inclined to admit him to anticipatory bail. Accordingly, his application is rejected. However, with respect to applicants 2 to 6, omnibus allegations have been made against them, therefore, applicants 2 to 6 deserve to be released on anticipatory bail.
7. Accordingly, their application is allowed and it is directed

that in the event of arrest of the applicants 2 to 6 in connection with the aforesaid offence, they shall be released on bail by the officer arresting him on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. Applicants 2 to 6 shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or any police officer;
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE