

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 1123 of 2017**

1. Imtiyaz Ali S/o Ahmad Ali, aged about 33 years.
2. Shabnam Jaha W/o Ahmad Ali, aged about 60 years.
Both are R/o Mominpara, (Ahmad Nagar), PS & PO Ambikapur, District Surguja (CG)

-----Applicants**Versus**

State of Chhattisgarh Through in charge of Mahila Thana, Ambikapur,
PS & PO Ambikapur, District Surguja (CG).

---- Respondent

For Applicants	:	Ms. Priyanka Mehta, Advocate.
For Respondent	:	Ms. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****03/01/2018**

1. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.10 of 2017 registered at Police Station Mahila Thana, Ambikapur, for the offence punishable under Section 498-A & 34 IPC.
2. The allegation against the applicants as per prosecution is that, the applicants have been subjecting the complainant to torture and ill treatment on account of demand of dowry.
3. According to the counsel for the applicants, it is a case where the marriage between the complainant and the applicant No.1 took place on 23.04.2017 and first complaint was lodged by the complainant just about three months time i.e. on 03.08.2017. The complainant could not adjust herself at her matrimonial home and on her own left the matrimonial home and started living at her parental home and inspite of best efforts

being made by the Husband, she refused to co-operate and live together along with Husband. Further, on the complaint made by the complainant, the Mahila Police has made efforts on more than one occasion but due to adamant approach adopted by the complainant they could not reach to reconciliation. It was further contended that in the conciliation proceeding the complainant herself has given in writing that applicant No.1-her Husband is ready and willing to keep her on all terms and conditions as per satisfaction of the complainant, but she was not ready and willing to go and cohabit with applicant No.1. Thus, for all the aforesaid reasons, the applicants may be granted anticipatory bail.

4. Counsel for the State however opposes the bail application and submits that there are strong allegation of ill treatment and torture by the applicants on demand of dowry, and thus prayed for rejection of the bail application.
5. Considering the entire facts and circumstances of the case, particularly the proceedings drawn during conciliation proceeding, the statements of complainant and applicant No.1 recorded during the course of conciliation and also keeping in view the judgment of Supreme Court in case of Arnesh Kumar Vs. State of Bihar & Anr., 2014(8)SCC 273, this court is of the opinion that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed. It is directed that the applicants shall be released on bail on furnishing a bond in the sum of Rs.25,000/- each with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:

1. That, the accused/applicants shall make themselves available for

interrogation before the concerned Investigating Officer as and when required;

2. The accused/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 themselves from disclosing such facts to the Court or to any police officer;
 3. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. 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.
6. Certified copy, as per rules.

Sd/-
(P.Sam Koshy)
Judge

inder