

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.441 of 2018**

1. D. Ravishankar Shriniwas Dinavahi S/o D. Venkat Rao, aged about 35 years, Software Engineer, R/o 317 West Side Drive-Unit 203 Gaithersburg MD 20878 USA
2. D. Venkat Rao S/o Late Shri Shanker Narayana, aged about 70 years
3. Smt. D. Ramanamma Dinavahi W/o D. Venkat Rao, aged about 61 years

No.2 & 3 R/o Simhachalam, Police Station Gopala Pattnam, District
Vishakhapatnam (Andhra Pradesh)

-----Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Police of Police Station
– Mahila Thana, Bilaspur, District Bilaspur (CG)

---- Non-applicant

For Applicants	:	Mr.Arvind Shrivastava, Advocate
For Non-applicant	:	Mr.Adi Raj Surana, Dy.Govt.Advocate
For Objector-	:	Mr.V.V.S.Murthy, Senior Advocate with
Smt. V. Geetanajali		Mr.Shantanu Kumar, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

02/11/2018

1. Apprehending arrest in connection with Crime No.10/2018, registered at Mahila Police Station-Bilaspur, District-Bilaspur (CG), for the offence punishable under Section 498A read with Section 34 of the IPC, the applicants have filed this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that marriage of applicant No.1 was solemnized with V. Meher Nidhi on 15.4.2012 and reception was held on 22.4.2012 at Vishakhapatnam (Andhra Pradesh), in which the applicants demanded ₹ 10,00,000/- as dowry and thereby committed the offence.

3. Mr.Arvind Shrivastava, learned counsel appearing for the applicants, would submit that after reception on 12.4.2012 complainant (applicant No.1's wife) and applicant No.1 went to USA and started residing therein and from 1.1.2014 the complainant is residing separately and divorce petition was filed by applicant No.1 on 9.5.2017 at USA, but that was dismissed on the ground of jurisdiction, then only on 23.2.2018, false report has been lodged by mother of the complainant on the allegation of demand of dowry, which is wholly unsustainable and suffers from delay of 6 years. He would further submit that applicants No.2 and 3 are old aged persons, therefore, they are entitled for grant of bail.
4. On the other hand, Mr.Adi Raj Surana, learned Deputy Government Advocate for the State would oppose the bail application and submit that written report has been lodged on 4.3.2018 and red-corner notice has been issued against the applicants and passports of applicants No.2 and 3 have been impounded and they are not traceable.
5. Mr.V.V.S.Murthy, learned Senior Counsel for the objector, would submit that the applicants are not entitled for bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case and further taking into account that the dowry was alleged to have been demanded from the complainant on 22.4.2012 and thereafter the complainant and applicant No.1 stayed together in USA for one and half year and complainant started living separately w.e.f. 01.01.2014 and divorce petition was filed by applicant No.1 on 09.07.2017 at USA which was dismissed therein and then only on 23.02.2018 the FIR was lodged

by the complainant at Mahila Thana, Bilaspur and further considering the age of applicant No.1 and 2 i.e. 70 and 61 years respectively, this Court is inclined to extend the benefit of anticipatory bail in favour of the applicants.

- 8.** Accordingly, this application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offences, they shall be released on bail by the officer arresting on their executing a personal bond in the sum of ₹ two lakhs each with one surety in the like sum to the satisfaction of the concerned Investigating/Arresting Officer. The applicants shall also abide by the following conditions:-

- (i) That they shall make themselves available for interrogation before the concerned Arresting/Investigating Officer within two months from the date of this order and further as and when required by Investigating/Arresting Officer.
- (ii) that they shall not, directly or indirectly, make any inducement, threat or promise to the 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall also appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

- 9.** In the event of violation of any of conditions enumerated hereinabove, this order of anticipatory bail granted in favour of the applicants shall stand cancelled without reference to this Court.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE