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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 525 of 2018**

1. Keshari Lal Tiwari S/o Bhola Prasad Tiwari Aged About 57 Years R/o Behind Raman Diary, Nevra, Ward No. 15, Tilda, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Kamlesh Tiwari W/o Keshari Lal Tiwari Aged About 57 Years R/o Behind Raman Diary, Nevra, Ward No. 15, Tilda, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Deepak Tiwari S/o Keshari Lal Tiwari Aged About 35 Years R/o Behind Raman Diary, Nevra, Ward No. 15, Tilda, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Shristi @ Preeti Tiwari W/o Deepak Tiwari Aged About 35 Years R/o Behind Raman Diary, Nevra, Ward No. 15, Tilda, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
5. Saponil Tiwari S/o Keshari Lal Tiwari Aged About 31 Years R/o Behind Raman Diary, Nevra, Ward No. 15, Tilda, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
6. Shreya @ Seema Tiwari W/o Saponil Tiwari Aged About 30 Years R/o Behind Raman Diary, Nevra, Ward No. 15, Tilda, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
7. Vijay Upadhyay S/o Late Bhagwat Upadhyay Aged About 59 Years R/o Village Tendua, Police Station Nandghat, District Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
8. Ranu @ Shivkant Upadhyay S/o Late Bhagwat Prasad Aged About 37 Years R/o Behind Kurmi Bording, Ward No. 15, Newra- Tilda, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
9. Rishi Kumar Sharma S/o Late Dwarika Prasad Sharma Aged About 64 Years R/o Shanichari, Bazar Ward Bilha, Police Station Bilha, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

1. State Of Chhattisgarh And Anr. Through The Station House Officer, Police Station Mahila Thana, Bilaspur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Smt. Neha Tiwari W/o Vikas Tiwari R/o Kududand, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.....Complainant., District : Bilaspur, Chhattisgarh

---- Respondents

For the Applicants	:	Shri Shailendra Dubey, Advocate.
For the Respondent/State	:	Ms. Smita Ghai, P.L.
For the Objector	:	Shri Anurag Bajpai, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.07.2018**

Heard.

1. At the outset, learned counsel for the applicants seeks permission to withdraw the second bail application of applicant No.5 – Sarnil Tiwari.
2. Accordingly, the second bail application of applicant No.5 – Sarnil Tiwari is dismissed as withdrawn.
3. This is the second bail application of applicants No.1 to 4 & 6 to 9. The first bail application of the applicants was dismissed for want of prosecution on 13.4.2018 in M.Cr.C.(A) No. 22 of 2018. Applicants No.1 to 4 & 6 to 9 have been apprehending arrest in connection with Crime No.13 of 2017, registered at Police Station – Mahila Thana, Bilaspur, District – Bilaspur, Chhattisgarh for the offence punishable under Section 498-A/ 34 of the Indian Penal Code.
4. It is submitted by counsel for the applicants that the applicants are innocent and they have been falsely implicated in this case. The complainant has resided only for four days in her matrimonial home after her marriage. She left on 21.6.2017 and after passing of about 5 months, she filed a written complaint on 7.11.2017 and on that basis, the FIR has been lodged. Totally false allegations have been made by the complainant against the applicant. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

5. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the written complaint and the statement of the complainant is full of allegations against all these applicants about demand of dowry and torture. Hence, no case is made out for grant of anticipatory bail to the applicants.

6. Learned counsel for the Objector has adopted the arguments submitted by the State counsel and submits that the allegation made by the complainant against the applicants is of grievous nature. Hence, they are not entitled for grant of anticipatory bail.

7. Heard counsel for both the parties and perused the case diary.

8. According to the case against these applicants, the marriage of complainant – Neha Tiwari with co-accused – Vikas Tiwari was performed on 17.6.2017. It is alleged that from the very first day the husband of the complainant said that he was forced to marry the complainant otherwise he had some affair with some other girl and does not want to have the complainant as his wife and the other applicants also joined with him in torturing for demand of dowry because of which, she left her matrimonial home on 20.6.2017. Thereafter, the written complaint was filed.

9. Considered the entire material present in the case-diary. It appears that no effort was made for compromise or for settlement whereas the allegation made by the applicants for the complainant is totally different. Hence, after due consideration and also keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs. State of**

Bihar reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, I am of the opinion that the present is a fit case where the applicants are entitled to be released on anticipatory bail.

10. It is directed that in the event of arrest of applicants No.1 to 4 & 6 to 9 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. They shall also abide by the following conditions:

- '(i) that applicants No.1 to 4 & 6 to 9 shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that applicants No.1 to 4 & 6 to 9 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that applicants No.1 to 4 & 6 to 9 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicants No.1 to 4 & 6 to 9 shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge