

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 596 of 2018**

1. Shivnarayan Sharma, S/o. Shri Late Sanju Prasad Sharma, Aged About 70 Years
 2. Smt. Sheetla Sharma, W/o. Shri Shivnarayan Sharma, Aged About 65 Years,
- Both are R/o. Village Mopka, Ramkrisnanagar Phase III, (Kuti), Thana Sarkanda, Tahsil and District Bilaspur, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Sarkanda, Civil and Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mrs. Seema Singh, Advocate
For Respondent/State	: Mrs. M. Asha, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/06/2018**

1. Apprehending arrest in connection with Crime No.466/2017, registered at Police Station – Sarkanda, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 498-A of the Indian Penal Code and Section 12 of the Protection of Women from Domestic Violence Act, 2005, 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. Earlier both the applicants have filed M.Cr.C.(A) No.651/2017, which has been

disposed off by order dated 24.08.2017 by the Coordinate Bench of this Court in that order, no specific direction/conditions were laid down for grant of anticipatory bail, but the order was passed that the applicants shall not be arrested in the light of the direction given by the Hon'ble Apex Court in case of *Arnesh Kumar Vs. State of Bihar, reported in 2014 (8) SCC 273*. In the present development of things, the charge-sheet has been filed after completion of investigation because of which, this applicants are apprehending of their arrest. Hence, for this reason, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The complainant Mamta Sharma has lodged FIR that soon after her marriage with the co-accused Vikash Sharma on 29.04.2016, she was harassed and tortured by her husband and in-laws for demand of dowry because of which, the FIR has been lodged. Hence, this case.
6. As it appears both the applicants have already been benefited by the order of this Court in M.Cr.C.(A) No.651/2017 by order dated 24.08.2017 that the applicants shall not be arrested. Looking to the present development, the only requirement is to pass an order on regular basis granting anticipatory bail. Hence, for this reason, 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 each 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