

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 542 of 2018

1. Basant Saraf S/o Late Bhagwandin Saraf Aged About 65 Years R/o Duiji Bhawan, Infront Of Balak School Ward No. 14 Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
2. Smt. Rita Saraf W/o Basant Saraf Aged About 58 Years R/o Duiji Bhawan, Infront Of Balak School Ward No. 14 Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
3. Vikash Saraf S/o Basant Saraf Aged About 37 Years R/o Duiji Bhawan, Infront Of Balak School Ward No. 14 Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
4. Smt. Dr. Namrata Saraf W/o Vikash Saraf Aged About 33 Years R/o Duiji Bhawan, Infront Of Balak School Ward No. 14 Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
5. Anish Saraf S/o Late Shankar Lal Saraf Aged About 46 Years R/o Ward No. 15 Nayapara, Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station City Kotwali, Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

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MCRCA No. 564 of 2018

- Vivek Saraf S/o Basant Saraf Aged About 35 Years R/o Duiji Bhawan Infront Of Balak School, Ward No. 14, Baloda Bazar, District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station City Kotwali, Baoda Bazar, District- Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicants	:	Mr. T.K. Jha, Advocate.
For Respondent/State	:	Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/08/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in both the above cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.208/2018 registered at Police Station-City Kotwali, District – Baloda Bazar-Bhatapara (C.G.), for the offence punishable under Section 498-A/34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that marriage of applicant Vivek Saraf in MCRCA No.564/2018 with

complainant took place on 8.7.2016. Since July, 2017 the complainant is residing in her parental home and after passing of about 6 months she filed a written complaint in the police station on that basis FIR has been lodged. The attempts of counseling made by the counseling Committee of the District police have failed because the complainant herself has not taken any interest. It is also submitted that totally false allegations have been made by the complainant and there is no specific allegation about demand of dowry against the applicants. Hence, it is prayed that applicants be granted anticipatory bail.

4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that looking to the statement given by the complainant, no case is made out for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. In the complaint made by complainant Barkha Saraf it is alleged that soon after the marriage her husband and in-laws used to make complaint on the given items and dowry given in the marriage. She came to know that the information provided about the income and education of her husband was false. It is also alleged that her husband and in-laws used to misbehave with her because of which she suffered from severe stress which affected her health and ultimately she had to leave her matrimonial home.
7. Considered on all the material present in the case diary and in view of the observations made by the Hon'ble Supreme Court in the matters of ***Arnesh Kumar Vs. State of Bihar*** reported in ***(2014) 8 273 and Rajesh Sharma Vs. State of Uttar Pradesh and Others*** reported in ***(2017) 8 SCALE 313***, I am of this view that this is a fit case where the

applicants should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge