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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 586 of 2018**

1. Jitendra Kumar Yadav, S/o. Late Ganpat Lal Yadav, Aged About 28 Years
2. Smt. Shail Yadav, Wd/o. Late Ganpat Lal Yadav, Aged About 55 Years,  
Both R/o- Sector-1, Powerhouse, Bhilai, Otr. No. 3/C, Street 3,  
Police Station Bhilai, Bhatthi, District- Durg, Chhattisgarh.

**----Applicants****Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Of Police  
Station- Bhilai, Bhatthi, District- Durg, Chhattisgarh.

**---- Respondent**


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| For Applicants       | : Mr. Shikhar Bakhtiyar, Advocate |
| For Respondent/State | : Mrs. Smita Ghai, Panel Lawyer   |
| For Objector         | : Mr. N.K. Chatterjee, Advocate   |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****20/07/2018**

1. Apprehending arrest in connection with Crime No.60/2018, registered at Police Station – Bhilai Bhatti, Durg, District – Durg (C.G.) for offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, 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. The applicants side have made every effort for conciliation, but the complainant

has refused to come to terms and she is strictly in favour of the action against these applicants. It is submitted that according to the guidelines of the Hon'ble Supreme Court in case of *Sharma & Ors. Vs. State of U.P. & Ors.* reported in *2017 (8) SCALE 313*, it is submitted that the arrest and detention in such cases should be avoided. 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. It is alleged that these applicants misbehaved tortured and treated with cruelty the complainant for demand of dowry. Hence, no case is made out for grant of bail.
4. Counsel for the objector submits that according to the allegation made in this case, the applicants misbehaved with complainant in a very inhuman manner because of which, the complainant is very much afraid to go back to her matrimonial home and there are no chances of conciliation. Hence, it is prayed that the applicants may not be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the prosecution case, after marriage of the applicant No.1 with the complainant on 12.12.2016 both the applicants misbehaved and treated the complainant with cruelty. A demand of Rs.3.00 lakhs was made from the complainant on pretext that applicant no.1 has to start his business and it was for that the complainant was sent to her paternal home in August, 2017 with instructions not to come back. After passing of about six months,

complaint was made on 19.03.2018. Conciliation process that took place has failed because of the refusal of the complainant to come to terms, whereas, the applicant are interested for compromise.

7. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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

Balram