

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 614 of 2018

1. Sudhir Verma S/o Shri Shivnath Verma, Aged About 37 Years, Occupation Assistant Police Inspector, R/o Sakoli, Police Station And Tahsil Sakoli, Civil And Revenue District Bhandara Maharashtra, District : Bhandara, Maharashtra
2. Shivnath Verma S/o Late Lalu Prasad Verma, Aged About 73 Years, R/o Mansar, Police Station And Tahsil Ramtek, Civil And Revenue District Nagpur Maharashtra, District : Nagpur, Maharashtra
3. Punit Rawat S/o Late Manohar Singh Rawat, Aged About 38 Years, R/o 250/9A, Behind Sagar, Public School, Saket Nagar, Police Station Bagsevaniya, Tahsil Hujur, Civil And Revenue District Bhopal M. P., District : Bhopal, Madhya Pradesh
4. Smt. Nirmala Rawat W/o Punit Rawat, Aged About 33 Years, R/o 250/9A, Behind Sagar Public School, Saket Nagar, Police Station Bagsevaniya, Tahsil Hujur, Civil And Revenue District Bhopal M. P., District : Bhopal, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Mahila Thana Bilaspur Tahsil, Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Ratnesh Kumar Agrawal, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Smt. Indira Tripathi, Advocate for the complainant/objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-07-2018

1. Apprehending arrest in connection with Crime No.18/2018, registered at Police Station – Mahila Thana, Bilaspur, Chhattisgarh for offence punishable under Section 498(A), 34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated by the complainant in this case. The complainant herself has on account of some dispute with the applicants started residing separately since 11-12-2017 and because of her misbehavior with the applicants the child that was given by applicant No.3 and applicant No.4 for

adoption has been taken back, regarding which information has been given to P.S. Torwa, Bilaspur, hence, the dispute between the applicants and the complainant is of different nature, it is not an offence under Section 498(A) of the IPC. Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the FIR lodged and the statement given by the complainant the offence is made out against the applicants, hence, they are not entitled for grant of anticipatory bail.

4. Learned counsel for the objector/complainant submits that the applicants have tortured the complainant from very beginning since the date of marriage for demand of dowry and other things. As the complainant and applicant No.1 could not bear child, because of which, both of them adopted the child of applicant No.3 and applicant No.4. Because of death of the father of the complainant, she came to reside in her parents house for some days, it was at that time applicant No.1 came to her place and took the child forcefully back and has given the child to applicants No.3 and applicant No.4, whereas a deed was executed for legal adoption of the child, regarding which the complainant has filed a separate petition before the High Court. Hence, looking to the conduct of the applicants, it is prayed that the application may be rejected.

5. Heard learned counsel the parties and perused the case diary.

6. Marriage of applicant No.1 and the complainant was performed on 18-04-2012 and rest of the story has been discussed hereinabove in the submissions made by the parties.

7. Considering all the material present in the case diary, it appears that there is serious dispute between the applicants and the complainant and there are chances of it being resolved, although as submitted the applicant No.1 has

filed a divorce petition, but considering the view laid down by Hon'ble the 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, I am of this view that these applicants should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed. 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 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge