

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 637 of 2018**

1. Sushma Yadav, W/o. Rampratap Yadav, Aged About 53 Years
 2. Rampratap Yadav, S/o. Ramswarup, Aged About 63 Years,
 3. Prakash Yadav, S/o. Rampratap Yadav, Aged About 28 Years,
 4. Ekta Shukla, W/o. Late Alok Shukla, Aged About 32 Years,
- All are R/o Vinoba Nagar, Near Gayatri Mandir, Police Station Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Mahila Thana, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Ms. Sharmila Singhai, Advocate
For Respondent/State	: Mrs. Smita Ghai, Panel Lawyer

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

1. Apprehending arrest in connection with Crime No.14/2018, registered at Police Station – Mahila Thana, Bilaspur, District – Bilaspur (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. In fact soon after the marriage of the complainant – Sikha Yadav with co-

accused Vikash Yadav both of them residing separately in the upper story of the same house having their separate kitchen. These applicants have nothing to do with the demand of dowry and the torture given to the complainant. On complaint given by the applicant No.1 to the Police, a conciliation proceedings have taken place, prior to the filing of the complainant by the complainant between 05.03.2018 to 10.03.2018, in which the complainant had made no adverse statement against the applicants. Applicants are ready to abide by all the conditions imposed while enlarging them on anticipatory bail. 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 marriage of the complainant Shikha Yadav with co-accused Vikash Yadav was performed on 08.12.2016. It is alleged that subsequent to the marriage when the complainant started residing in her matrimonial home, she was tortured and subjected to cruel treatment for demand of dowry by her husband and others.
6. 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.

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