

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 774 of 2018**

1. Pankaj Keshri S/o Late Ramesh Keshri Aged About 27 Years R/o Kotmi, Tahsil Pendra District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Smt. Shatarupa Keshri W/o Ramesh Keshri Aged About 46 Years R/o Kotmi, Tahsil Pendra District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Smt. Varsha Gupta W/o Ravi Gupta Aged About 30 Years R/o Andi, Tahsil Pendra District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
4. Ravi Gupta S/o Lalchand Gupta Aged About 32 Years R/o Andi, Tahsil Pendra District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
5. Atul Gupta S/o Hanuman Prasad Gupta Aged About 22 Years R/o Parthara, Tahsil Pendra District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Pendra, Out Post Kotmi, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Yogendra Chaturvedi, Advocate.
 For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.08.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 132 of 2018, registered at Police Station – Pendra, Outpost Kortmi, District – Bilaspur, Chhattisgarh for the offence punishable under Section 498(A)/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicants that false FIR has been lodged by the complainant in this case which is delayed and there is no explanation of delay. The fact is that complainant – Smt. Roshni Gupta, who is wife of applicant No.1 – Pankaj Keshri was abusing her mother-in-law and at that time her brother – Anil Gupta also came to the place of incident who abused, threatened, assaulted and injured the applicants because of which, the FIR was lodged on 1.1.2018. On that basis, offence under Sections 294, 506, 323/ 34 of the IPC registered against Anil Gupta and also against complainant – Smt. Roshni Gupta alongwith other accused persons. One FIR making similar allegation was lodged by Anil Gupta on 2.1.2018 on that basis offences under Sections 294, 506 and 323/ 34 of the IPC registered against applicants No.1 and 2. After due deliberations, a written complaint was filed on 9.1.2018 by complainant – Roshini Gupta making allegation under Section 498A of the IPC, hence, these developments itself show that the case is concocted. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. The complainant has lodged FIR alleging that she was being abused and misbehaved for the reason that the demand of dowry made by the applicants was not met with by her parents. Hence, this case.

7. After due consideration of the material present in the case-diary, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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. They 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 them 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