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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 684 of 2018**

1. Radheshyam Sahu S/o. Shri Peela Babu Sahu Aged About 53 Years R/o Village Pawani, Thana Bilaigarh District Balodabazar Civil And Revenue District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Smt. Foolbai Sahu W/o. Shri Radheshyam Sahu Aged About 51 Years R/o Village Pawani, Thana Bilaigarh District Balodabazar Civil And Revenue District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
3. Smt. Gunja Sahu W/o. Shri Anil Kumar Sahu, Aged About 24 Years R/o. Village Nardha (Kasdol), Thana Kasdol District Balodabazar Bhatapara Civil And Revenue District Balodabazar Bhatapara Chhattisgarh. Present Address Sub Primary Health Center, Paseed, Thana Sarangarh District Ragiarh Civil And Revenue District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Sarseevan, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 695 Of 2018**

1. Rajesh Kumar Sahu S/o. Shri Radheshyam Sahu, Aged About 29 Years Occupation Service Posted As Rural Health Organizer, Shc Pawani, R/o. Village Pawani, Thana Bilaigarh Civil And Revenue District Balodabajar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Manoj Kumar Sahu S/o Shri Radheshyam Sahu Aged About 27 Years R/o. Village Pawani, Thana Bilaigarh, Civil And Revenue District Balodabajar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
3. Dinesh Kumar Sahu S/o Shri Radheshyam Sahu, Aged About 29 Years Occupation Service Posted As Rural Health Organizer, Sub Health Center Thargaon, Block Kasdol, (Wrongly Mentioned As Rajim) R/o. Village Pawani, Thana Bilaigarh, District Balodabajar Civil And Revenue District Balodabajar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Sarsiwan, District Balodabajar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicants : Shri Sunil Sahu, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

29.06.2018

Heard.

1. Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No. 132 of 2018 registered at Police Station – Sarseevan, District Baloda Bazar, Bhatapara for the offence punishable under Sections 498-A/ 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in both the cases. Complainant – Padma Sahu has lodged totally a false FIR against all these applicants after a huge delay and the delay has not been explained. According to the complaint, she was subjected to torture immediately after the marriage till the date of filing the complaint i.e. on 30.4.2018 and the incident of assault and injury taken place on 29.3.2018. On that basis, FIR was lodged on 13.5.2018. Hence, it is prayed that the applicants in both the cases may be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that serious allegation has

been levelled against all the applicants by the complainant in this case in a written complaint. Hence, looking to the case against the applicants, they are not entitled for grant of anticipatory bail.

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

5. Marriage of complainant – Padma Sahu with applicant – Dinesh Kumar Sahu in M.Cr.C.(A) No. 695 of 2018 was performed on 15.2.2015. The complainant resided with him only for one month and thereafter, she is living with her parents because her place of employment is near to her parental house. It is alleged in the complaint that applicant – Dinesh Kumar Sahu used to come each and every month and take away all the salary of the complainant. Demand of dowry etc was made soon after the marriage and for that purpose the complainant was subjected to cruel treatment frequently. It is alleged that on 29.3.2018, except applicant – Smt. Gunja Sahu remaining all the applicants came to the parental house of the complainant and by force obtained her signature on a transfer application form and then abused and thrashed the complainant. A written complaint was filed on 30.4.2018 in police station Sarseevan, District Baloda Bazar, Bhatapara and on that basis, FIR was lodged on 13.5.2018.

6. Considered the material present in the case-diary. Looking to the long term of the incident and the fact that the delay of about one month has taken place in filing a written complaint, the submission of counsel for the applicant about deliberation needs to be examined by the investigator as well as by the trial Court in case the charge-sheet is filed, and also keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs.**

State of Bihar reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, I am of the opinion that the present is a fit case where the applicants in both the cases are entitled to be released on anticipatory bail.

7. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in both the cases 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