

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 732 of 2018

1. Neeraj Gupta S/o Abhay Kumar Gupta, Aged About 33 Years, R/o Dixit Colony, Ward No.2, Kosa Nagar, Motilal Nehru Nagar, Bhilai, Tahsil & District Durg Chhattisgarh, District : Durg, Chhattisgarh
2. Smt. Manju Gupta W/o Abhay Kumar Gupta, Aged about 58 years, R/o Dixit Colony, Ward No.2, Kosa Nagar, Motilal Nehru Nagar, Bhilai, Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicants – Mr. P.R. Patankar, Advocate.

For Non-applicant/State – Ms. Smita Ghai, Panel Lawyer.

Mr. O.P. Sahu and Mr. Ashok Prasad, Advocates for the complainant.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-07-2018

1. Apprehending arrest in connection with Crime No.520/2018, registered at Police Station – Supela, Durg, District- Durg, Chhattisgarh for offence punishable under Section 304-B, 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 in this case. The applicants were not present at the time of incident. There had been no demand of dowry made from the parents of the deceased during whole period of marriage between the deceased and the applicant No.1. The applicant No.1 is Assistant General Manager in Bank of Baroda and applicant No.2 herself is a Government servant. Both of them have drawn handsome salaries. Hence, the story regarding demand of dowry is totally made up only for the reason that the complainant is aggrieved because of the death of his daughter. 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 written complaint filed by complaint Krishna Prasad and the statement given by him and other witnesses clearly alleged that just a day before the incident, the deceased had made phone call intimating that she was being tortured for demand of car and cash by way of dowry. Hence, it is a clear case of dowry death. Hence, the application may be rejected.
4. Learned counsel for the objector adopts the argument advanced by the State and submits that no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. Marriage of deceased Sharda Suman had taken place with applicant No.1 on 12-12-2017. It is alleged that soon after the marriage the applicants started torturing the deceased by commenting that she had not brought sufficient dowry and demand of Rs.5 lacs for purchasing a car was made. The deceased committed suicide on 27-05-2018. Subsequent to that the FIR has been lodged on the basis of the complaint filed by the father of the deceased.
6. On perusal of the contents of the case diary, it appears that statements given by the witnesses disclose that it is prima facie a case of dowry death. Hence, for this reason, I am not inclined to grant anticipatory bail to these applicants.
7. Accordingly, the anticipatory bail application filed by the applicants is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge