

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 806 of 2018

1. Ku. Beena Tiwari D/o Shri Ramsnehi Tiwari Aged About 38 Years R/o Near Hanuman Mandir, Rapta Chowk, Chantidih, Bilaspur, Police Station Sarkanda, Tahsil And District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Ramsnehi Tiwari S/o Late Bhuwan Tiwari Aged About 67 Years R/o Near Hanuman Mandir, Rapta Chowk, Chantidih, Bilaspur, Police Station Sarkanda, Tahsil And District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Smt. Kusum Tiwari W/o Shri Ramsnehi Tiwari Aged About 60 Years R/o Near Hanuman Mandir, Rapta Chowk, Chantidih, Bilaspur, Police Station Sarkanda, Tahsil And District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

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

---- Respondent

For Applicants	:	Mr. Lav Sharma and Mr. K.P.S. Gandhi, Advocates.
For Respondent/State	:	Mr. Rahul Tamaskar, Panel Lawyer.
For Objector	:	Mr. Shyam Sunder Lal Tekchandani, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/08/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.441/2018 registered at Police Station-Sarkanda, District – Bilaspur(C.G.), for the offence punishable under Section 498-A/34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. The marriage of co-accused Krishna Kumar Tiwari was performed with complainant Rajni @ Sonal Tiwari on 19.4.2016. She has left her matrimonial home just after 3 months of the date of marriage and after a long delay, FIR has been lodged on 18.6.2018 making false allegation about demand of dowry and cruel treatment. Hence, it is prayed that they may be released on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence in the FIR and the statement given by the complainant because of which they are not entitled for grant of anticipatory bail.
4. Learned counsel for the Objector adopted the arguments submitted by the counsel for State and has submitted that the complainant had made an effort for conciliation, which has failed because of the attitude of the applicants and her husband the co-accused Krishna Kumar Tiwari, hence, for this reason, the application for grant of anticipatory bail be rejected.
5. Heard the parties and perused the case diary.
6. It is not denied that soon after marriage of the complainant she has left

her matrimonial home and she is residing with her parents since then.

7. On perusal of the case, it appears that there had been an efforts for conciliation to the Counseling Committee, but that has not succeeded because of the one condition put by the co-accused Krishna Kumar Tiwari. It appears that elements for compromise are present in this case which should not be ignored and in view of the observations made by the Hon'ble Supreme Court in the matters of ***Arnesh Kumar Vs. State of Bihar*** reported in ***(2014) 8 273*** and ***Rajesh Sharma Vs. State of Uttar Pradesh and Others*** reported in ***(2017) 8 SCALE 313***, I am of this view that this 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 their executing a personal bond in the sum of Rs.25,000/- each 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 himself 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha