

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 798 of 2018**

1. Smt. Malti Singh W/o Hirendra Singh Aged About 68 Years R/o Q. No. 11, Street No. 27, Behind Canra Bank Kushwaha Parisar, Bhilai Chauki, Smriti Nagar, Bhilai, Distt. Durg Chhattisgarh, District : Durg, Chhattisgarh
2. Ruby Singh D/o Hirendra Singh Aged About 27 Years R/o Q. No. 11, Street No. 27, Behind Canra Bank Kushwaha Parisar, Bhilai Chauki, Smriti Nagar, Bhilai, Distt. Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Mahila Thana Distt. Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Samir Singh, Advocate.
For the Respondent/State	:	Shri Lav Sharma, P.L.
For the Objector	:	Shri Ravi Kumar Bhagat, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.08.2018**

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. 10 of 2018, registered at Police Station – Mahila Thana, District – Durg, Chhattisgarh for the offence punishable under Section 498(A)/ 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.
3. It is submitted by counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out according to the material present in the case-diary. The complainant has made only general

allegations against these applicants and her actual grievance is that her husband/ co-accused had illicit relation with other woman. 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. It is submitted that looking to the allegations made by the complainant against the applicants and the co-accused persons no case is made out for grant of anticipatory bail to the applicants.

5. Learned counsel for the Objector after adopting the arguments submitted on behalf of the State submits that the complainant has narrated her grievance in another complaint made to the police in which she has alleged that soon after the marriage, her husband and in-laws have started to torture her and treated her with cruelty for fulfillment of demand of dowry. Hence, it is prayed that the applicants are not entitled for grant of anticipatory bail.

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

7. The marriage of complainant – Amrita Singh with co-accused – Satyendra Singh took place on 18.6.2017. It is alleged that soon after the marriage her husband and in-laws started making demand of Rs.5,00,000/- cash, a Bullet motorcycle and a car for dowry and for getting the demands fulfilled they subjected the complainant with cruel treatment. The complainant left her matrimonial home and lodged FIR on 4.6.2018 against the applicants and the co-accused persons. It has also been discussed in

the investigation that husband of the complainant has extramarital affair because of which the complainant has a grievance. Both the applicants are women and the nature of allegation are general in nature. Hence, for these reasons, 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