

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 807 of 2018

1. Om Prasad S/o Gurubaru, Aged About 25 Years Caste Sahu, R/o. Village Asounda, P.S. And Tahsil Sakti, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Gurubaru S/o Budga, Aged About 50 Years Caste Sahu, R/o Village Asounda, P.S. And Tahsil Sakti, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Kamla Bai @ Bhuri Bai, W/o Gurubaru, Aged About 45 Years Caste Sahu, R/o Village Asounda, P.S. And Tahsil Sakti, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Janjgir Champa District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants : Mr. Ishwar Jaiswal, Advocate.

For Respondent : Mr. Lav Sharma, Panel Lawyer.

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 his arrest in connection with Crime No.328/2018 registered at Police Station- Sakti, District – Janjgir Champa(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 complainant herself has left her matrimonial home in the year 2017 and is not willing to come back and reside with the applicants. The complainant is making false allegation against the applicants without any basis which is reflected from the proceedings before the Family Conciliation Centre, document regarding which are produced on record for perusal of this Court. Hence, it is prayed that applicant may be enlarged on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. Marriage of complainant with applicant No.1 took place on 8.4.2014. it is alleged that the demand of cash Rs.50,000/- and motorcycle was made by the applicant No.1 on 25.1.2015. subsequent to that the complainant has left her matrimonial home on 9.2.2018 and on the basis of one written complaint filed by the complainant. FIR has been lodged on 14.6.2018 in this case.
6. Considered on the material present in the case diary and also perused the document filed along with the application, the proceedings of the Family Conciliation Centre show that the complainant has herself refused to go and live with the applicants because of which the proceedings was terminated. After due consideration on all the material present in the case diary 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.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant 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