

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 830 of 2018

1. Shambhu Soni S/o Binda Soni Aged About 29 Years R/o M. I. G. 98, Deendayal Colony, Mangla, Police Station Civil Line, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Smt. Maya Soni W/o Binda Soni Aged About 58 Years R/o M. I. G. 98, Deendayal Colony, Mangla, Police Station Civil Line, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Binda Soni S/o Late Gopal Soni Aged About 62 Years R/o M. I. G. 98, Deendayal Colony, Mangla, Police Station Civil Line, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
4. Rahul Soni S/o Binda Soni Aged About 24 Years R/o M. I. G. 98, Deendayal Colony, Mangla, Police Station Civil Line, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Mahila Thana, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants	:	Ms. Nirupama Bajpai, Advocate.
For Respondent/State	:	Mrs. Madhunisha Singh, Panel Lawyer.

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

24/08/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime

No.33/2018 registered at Police Station-Mahila Thana, 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 by the Rupali Soni, because of the dispute between the complainant and her husband applicant No.1. A complaint was filed by applicant No.1 in Mahila Thana on 29.3.2018, on which the counseling process continued upto 19.5.2018 in the Family Conciliation Centre at Bilaspur. The complainant and her father both appeared before the said Centre and no allegation was made by them about demand of any dowry and cruel treatment. Subsequent to that false FIR has been lodged by complainant on 24.5.2018, hence, it is prayed that he 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 looking to the clear allegation made by the complainant, no case is made out for grant of bail.
4. Heard the parties and perused the case diary.
5. The marriage of applicant No.1 with complainant Rupali Soni took place on 4.5.2017. It is alleged by the complainant, that she was subjected to torture and cruel treatment for demand of dowry Rs.50,000/- in her written complaint dated 24.5.2018 on which basis the FIR has been lodged.
6. Considered on entire material present in the case diary and also perused the documents of the Family Conciliation Centre in which it appears that the demand of Rs.50,000/- is not mentioned in the

proceedings before said Centre, for this reason, I am of this view that this is a fit case where applicants should be released on anticipatory bail .

7. 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