

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No.892 of 2018**

1. Manoj Kurre, S/o. Rambiricha, Aged About 27 Years,
 2. Rambiricha, S/o Kanhaiya, Aged About 55 Years
 3. Mahtarin Devi, W/o. Rambiricha, Aged About 48 Years
 4. Raju Kurre, S/o. Rambiricha, Aged About 28 Years,
 5. Amarnath Kurre, S/o. Rambiricha, Aged About 25 Years,
- All by Caste Satnami, R/o. Village Kurda, Thana Malkharoda, District Janjgir Champa, Chhattisgarh.

----Applicants**Versus**

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

---- Respondent

For Applicants	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/09/2018**

1. Apprehending arrest in connection with Crime No.121/2018, registered at Police Station – Malkharoda, District – Janjgir-Champa (C.G.) for offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. Subsequent to the passing of four years of marriage, totally false FIR has been lodged by the complainant Sunita Kurre, who is the wife of the

applicant No.1. In fact the applicant No.1 and his wife had difference of opinion for the reason that the complainant was more educated than her husband. Hence the complainant does not want to live and lead her matrimonial life. Applicants No.2 to 5 are the government servant, who are residing separately, which shows their false implications. Hence, for this reason, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, the marriage of the complainant Sunita Kurrey with the applicant No.1 took place on 09.04.2014. After about four years of marriage, a written complaint was filed on 10.05.2018, before the police, on the basis of which, FIR has been lodged on 24.05.2018. It is alleged that the applicants had made demand of Rs.1.00 lakhs by way of dowry for purchasing a land to open restaurant in the village, which was not met with. Hence, the complainant was tortured for the same.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, the probability of the story in that case shall be examined by the trial Court. For the present considering the facts and circumstance of the case and keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, this

Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 each 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 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge