

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 899 of 2018

1. Manoj Kumar Sahu S/o Late Shobharam Sahu Aged About 53 Years
R/o Bilaspur, Police Station Sarsiwan, District Baloda Bazar-Bhatapara
Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
2. Rileshwari Sahu W/o Manoj Kumar Sahu Aged About 48 Years R/o
Bilaspur, Police Station Sarsiwan, District Baloda Bazar-Bhatapara
Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Sarsiwan, District Baloda Bazar-Bhatapara Chhattisgarh,
District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicants	:	Mr. C.R. Sahu, Advocate.
For Respondent/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

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

29/08/2018

1. The applicants have preferred this bail application under Section 438
of Cr.P.C. apprehending their arrest in connection with Crime
No.166/2018 registered at Police Station-Sarsinwa, District –
Balodabazar-Bhatapara(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

daughter-in-law of both these applicants has put-forth totally improbable story after 3 years of the marriage. Her allegations about demand of dowry is falsified by this fact, that on 18.4.2018 the complainant has lodged FIR against her husband and these applicants making allegations only of assaulting and beating her. In the later development the FIR has been lodged on 11.6.2018 adding the allegation of demand of dowry and cruel treatment. Hence, it is prayed that applicants may be enlarged 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 allegations made by the complainant herself against the applicants, they are not entitled for grant of anticipatory bail.
4. Heard the parties and perused the case diary.
5. FIR has been lodged by the complainant on 11.6.2018 alleging, that applicants and the co-accused persons had made demand cash of Rs.10 lakh, big size T.V. and a car in dowry for which the complainant was subjected to torture and cruel treatment, hence, she was compelled to leave her matrimonial home.
6. Considered on all the material present in the case diary and the fact that the marriage of the complainant with co-accused is about 3 years old and that the first FIR lodged by her on 18.4.2018 contains the allegation only of Marpit against her husband and in-laws. After due consideration, 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/- 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.

(Rajendra Chandra Singh Samant)
Judge