

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 964 of 2018**

1. Smt. Kalindri Yadav, W/o. Amar Singh Yadav, aged about 57 years, R/o. Village- Saddu, P.S. - Dharshiva, Tahsil – Tilda, District – Raipur (C.G.)
2. Smt. Rashmi Yadav, W/o Narayan Yadav, aged about 30 years, R/o. Village – Saddu, P.S. - Dharshiva, Tahsil – Tilda, District – Raipur (C.G.)

---Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station – Dharsiwa, District – Raipur (C.G.)

---- Respondent

For Applicants	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/09/2018**

1. Apprehending arrest in connection with Crime No.272/2018, registered at Police Station – Dharsiwa, District – Raipur (C.G.) for offence punishable under Section 304-B, 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. The deceased Sunita Yadav committed suicide on 15.04.2018 and during the morgue enquiry none of the parents of the deceased made any

statement about the demand of dowry and cruel treatment. It is at subsequent stage on 25.06.2018, written complaint was filed in which for the first time, it was stated that there had been a demand of dowry and cruel treatment with the deceased, which shows that the case is concocted and false. Hence, it is prayed that the applicant 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. It is submitted that there is clear evidence of demand of dowry by the applicant and the co-accused persons and the death of the deceased has taken place within 7 years of her marriage. Hence, no case is made out for grant of anticipatory bail.
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, Smt. Sunita Yadav got married to co-accused Narendra Yadav on 15.05.2017. The applicant No.1 is mother-in-law and applicant No.2 is sister-in-law of the deceased. The deceased committed suicide by hanging herself on 15.04.2018. No FIR was lodged on the basis of the mourge enquiry but written complaint was filed on 25.06.2018, which is the basis for lodging of FIR in this case.
6. Considered the submissions made and the contents of the case diary. Considering on the development that has taken place and the fact about demand of dowry by the witnesses concerned, 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 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