

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1146 of 2018

1. Gurvinder Kaur D/o Daler Singh, Aged About 22 Years, R/o Phase No.5, Plot No. 5 Harshit Vihar, Amanaka, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Baljeet Singh S/o Daler Singh, Aged About 26 Years, R/o Phase No.5, Plot No. 5 Harshit Vihar, Amanaka, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Mahila Police Station, Raipur., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Ankur Agrawal and Shri Raza Ali, Advocates.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-09-2018

1. Apprehending arrest in connection with Crime No.33/18, registered at Police Station –Mahila Police Station, Raipur, Chhattisgarh for offence punishable under Section 498-A, 323/34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case on account of dispute between the applicants and the complainant. The complainant has lodged a totally false FIR against them. One of the co-accused has been granted regular bail by the concerned Court below. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. Marriage of complainant Baljeet Kaur was performed with applicant No.2 on 22-01-2018. It is alleged that subsequent to marriage the applicants and other in-laws started treating the complainant with cruelty for demand of dowry,

because of which, she left the matrimonial home and lodged the FIR on 26-07-2018. Hence, this case.

6. Applicant No.1 is sister-in-law of the complainant, whereas, applicant No.2 is husband of the complainant. After due consideration on the material present in the case diary and keeping in view the guidelines laid down by Hon'ble the 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, I am of this view that these applicants should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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 they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge