

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1141 of 2018**

1. Uma Chakrawarty, W/o. Shri Vinay Chakrawarty, Aged About 61 Years, R/o.- Vasundhara, Loyla School Road, Gali No. 3, Rajiv Vihar P.S. Sarkanda, District- Bilaspur, Chhattisgarh.
2. Abhishek Chakrawarty, S/o. Shri Vinay Chakrawarty, Aged About 28 Years, R/o.- Vasundhara, Loyla School Road, Gali No. 3, Rajiv Vihar P.S. Sarkanda, District- Bilaspur, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through- Mahila Police Station, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Avinash K. Mishra, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/10/2018**

1. Apprehending arrest in connection with Crime No.40/2018, registered at Police Station – Mahila Police Station, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 498A, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The complainant – Lakshaya Dubey has lodged totally a false FIR against the applicants and other co-accused persons. The fact is this that the complainant and son of the applicant No.2, Abhishek Chakrawarty fell in love with each other and performed marriage on 20.09.2017 and subsequent to that they also performed marriage in Arya Samaj Mandir. The complainant always wanted from her husband to make

arrangement for their separate living to which her husband has not agreed because of which, false FIR has been lodged. In the counselling proceeding, the complainant has never raised any issue regarding demand of dowry and it is mentioned in the counseling proceeding that the complainant wanted her husband to live separately with her, to which he had not agreed. Hence, under these circumstances, 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.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complainant – Lakshaya Dubey has alleged in the complaint against the applicants and other co-accused persons that they had been making demand of dowry of Rs.20.00 lakhs and as the same was not fulfilled, therefore, she was subjected to torture and cruel treatment by all of them. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and also perused the documents of counseling proceeding. It is not denied that the complainant and co-accused person Abhishek Chakrawarty had performed love marriage. Hence, after due consideration of all the material present in the case and also 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