

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1206 of 2018

1. Vijay Kumar Jaiswal S/o Jagdish Prasad Jaiswal, Aged About 32 Years, R/o Village Kerakachhar, Police Station Dipka, District - Korba, Chhattisgarh., District : Korba, Chhattisgarh
2. Jagdish Prasad S/o Surajdin, Aged About 59 Years, R/o Village Kerakachhar, Police Station Dipka, District - Korba, Chhattisgarh., District : Korba, Chhattisgarh
3. Urmila Devi W/o Jagdish Prasad, Aged About 56 Years, R/o Village Kerakachhar, Police Station Dipka, District - Korba, Chhattisgarh., District : Korba, Chhattisgarh
4. Sanjay Kumar Jaiswal S/o Jagdish Prasad, Aged About 34 Years, R/o Village Kerakachhar, Police Station Dipka, District - Korba, Chhattisgarh., District : Korba, Chhattisgarh
5. Manyata W/o Sanjay Kumar Jaiswal, Aged About 31 Years, R/o Village Kerakachhar, Police Station Dipka, District - Korba, Chhattisgarh., District : Korba, Chhattisgarh
6. Manju Jaiswal W/o Suraj Prakash Jaiswal, Aged About 41 Years, R/o Pali, Lafa Road Atal Chowk, Pali, P.S. Pali, District Korba, Chhattisgarh., District : Korba, Chhattisgarh
7. Suraj Prakash S/o Kallu Prasad Jaiswal, Aged About 41 Years, R/o Pali, Lafa Road Atal Chowk, Pali, P.S. Pali, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Mahila Police Station Bilaspur, Civil And Revenue District - Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Nitansh Kumar Jaiswal, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-10-2018

1. Apprehending arrest in connection with Crime No.48/2018, registered at Police Station – Mahila Police Station Bilaspur, District Bilaspur, Chhattisgarh for offence punishable under Section 498A, 34 of the IPC, the applicant has 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. The complainant, wife of applicant

No.1 has left her matrimonial home for her own reasons as she did not want to reside with the applicants and she filed an application under Section 125 of the Cr.P.C. on 04-02-2018. Subsequent to that on 30-08-2018 the complainant has lodged the FIR against the applicants making totally false allegations which are duly deliberated and concocted. There is possibility that the case may be compromised between the parties. Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that serious allegation has been made by the complainant against these applicants, hence, none of them is entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The marriage of complainant Sangeeta Jaiswal with applicant No.1 was performed on 10-07-2016. Thereafter, she went to reside in her matrimonial home. It is alleged in the FIR that the applicants subjected the complainant to torture and cruel treatment on account of unfulfilled demand of dowry and also for the reason that the complainant was disliked by her husband because of her appearance. Consequently, she has to leave her matrimonial home. Hence, this case.

6. After considering on the entire material present in the case diary and also 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. Consequently, the anticipatory bail application is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These 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