

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1217 of 2018**

1. Jeshan Junaid S/o Hasib Khan Aged About 28 Years R/o Takiyapara Durg, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Hasib Khan S/o Late Akram Khan Aged About 56 Years R/o Takiyapara Durg, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
3. Smt. Nafisha Parveen W/o Hasib Khan Aged About 52 Years R/o Takiyapara Durg, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
4. Smt. Aliya Tarannum W/o Wali Mohhamad Aged About 26 Years R/o Aamapara, Dhamtari, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Station- Mahila Thana, Sector- 6, Bhilai, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicants : Shri Amit Kumar, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.10.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 15 of 2018, registered at Police Station – Mahila Thana, Sector-6, Bhilai, Tahsil & District Durg, Chhattisgarh for the offence punishable under Section 498/ 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The complainant has left her matrimonial on her own free will as she does not want to reside with these applicants regarding which, she made a clear statement before the Family Counseling Centre which is recorded in the proceedings of the same centre and subsequent to that, this false FIR has been lodged on 7.9.2018. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the statement given by the complainant against the applicants no case is made out for grant of anticipatory bail to the applicants.

5. Heard counsel for both the parties and perused the case diary.

6. The complainant got married to applicant No.1 – Jeshan Junaid on 10.11.2017. Applicants No.2 – Hasib Khan, No.3 – Smt. Nafisha Parveen and No.4 - Smt. Aliya Tarannum are her in-laws. It is alleged in the FIR that all these applicants jointly tortured and subjected the complainant with cruel treatment for demand of bullet motorcycle or Rs.2,00,000/- cash in dowry and as the same demand was not fulfilled, the complainant was compelled to leave her matrimonial home. Hence, the FIR has been lodged in this case.

7. Considering the submissions and the contents of the case-diary and also considering the proceedings of the Family Counseling Centre, as also keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, I am of the opinion that the present is a fit case where the applicants are entitled to be released on anticipatory bail.

8. 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 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. They 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 them 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.'

sd/-

(Rajendra Chandra Singh Samant)
Judge