

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1225 of 2018**

1. Avinash Kumar Manglam, S/o. Late Shankar Prasad, Aged About 31 Years
2. Manorama Singh, W/o. Late Shankar Prasad, Aged About 55 Years
Both R/o C/o Shailesh Singh Of Near Gouri Mandir, Police Line, Ambikapur, District - Surguja, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station Mahila Cell, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicants : Mr. Parag Kotecha, Advocate

For Respondent/State : Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/10/2018**

1. Apprehending arrest in connection with Crime No.15/2017, registered at Police Station – Mahila Thana, Ambikapur, District – Surguja (C.G.) for offence punishable under Section 498-A, 506-B read with Section 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 development that has taken place subsequent to lodging of FIR is this that the applicant No.1 and his wife, the complainant both have mutually filed a petition for divorce under Section 13 B of Hindu

Marriage Act. Certified copy of the order dated 12.04.2018 has been filed along with the application for perusal of this Court. Hence, the dispute between the applicant and the complainant has been settled. Hence, for this reason, it is prayed that the applicants 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. The marriage of this applicant No.1 with complainant – Pushpa Singh took place on 27.05.2015. The married life of the applicant No.1 and the complainant was not peaceful, consequent to which, a written complaint was given on 30.05.2017 by the complainant on the basis of which, FIR has been lodged on 23.11.2017 against the applicants in which it is alleged that the complainant was subjected to torture and cruel treatment for demand of dowry.
6. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary and also considering the documents that have been filed along with the application and taking into consideration the development that has taken place, 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

Balram