

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1300 of 2018

1. Ramesh Soni S/o Late Balbhadra Prasad Soni, Aged About 70 Years, R/o New Ganpati Vihar, Gali No. 06, Changorabhata, P. S. D. D. Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Smt. Rekha Soni W/o Ramesh Soni, Aged About 65 Years, R/o New Ganpati Vihar, Gali No. 06, Changorabhata, P. S. D. D. Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Aadesh Soni S/o Ramesh Soni, Aged About 30 Years, R/o New Ganpati Vihar, Gali No. 06, Changorabhata, P. S. D. D. Nagar, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Mahila Police Station Raipur Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicants – Shri Ankur Agrawal, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Shri Mayank Chandrakar, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-10-2018

1. Heard on the urgent hearing application.
2. A report has been attached regarding the mental unsoundness of applicant No.2, hence, after due consideration the application for urgent hearing is allowed and this MCRCA is being heard finally at the motion stage.
3. Apprehending arrest in connection with Crime No.34/18, registered at Police Station – Mahila Police Station Raipur, Chhattisgarh for offence punishable under Section 3, 4 of Dowry Protection Act & 34 of the IPC, the applicants have preferred this application for grant of anticipatory bail under Section 438 of the Cr.P.C.
4. It is submitted by learned counsel for the applicants that facts of the case are these that marriage negotiation took place between the family of the applicants with the family of the complainant and one engagement ceremony

was held on 07-05-2018. Subsequent to that, the son of applicant No.1 and applicant No.2, the prospective groom, refused to marry with the girl and the same was communicated on 22-05-2018 and intimation was sent to the family members of the complainant to collect back the gifts given at the time of engagement, but subsequently a false FIR was lodged on 09-08-2018 making false allegation regarding demand of dowry. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.

5. Learned counsel for the State/non-applicant opposes the application submitting that the complaint discloses allegation of demand of cash and dowry and because of which the marriage negotiation was broken by the applicants side, hence, the application may be rejected.

6. Learned counsel for the objector after adopting the argument advanced by the State counsel submits that the applicants are constantly threatening the complainant party, regarding which a complaint has been filed again with the police which is under enquiry, hence, it is prayed that the application may be rejected.

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

8. The allegation against these applicants is this, that, subsequent to the marriage negotiation that took place these applicants were engaged in making demand of dowry from the complainant side, because of which, offence has been registered against them on the basis of complaint given by the complainant side.

9. After due consideration on the entire material present in the case diary and after considering all the facts and circumstances of the case, I feel inclined to allow this application.

10. Accordingly, 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.

11. The application stands allowed at the motion stage.

12. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge