

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1220 of 2016**

1. Smt. Santoshi, W/o. Shri Ashok Singh Thakur, Aged About 45 Years,
2. Bhagwati Bai, W/o. Shri Padum Singh, Aged About 65 Years,
R/o. Kailash Nagar, Shiv Mandir Takhatpur, District Bilaspur, Chhattisgarh.

----Applicants**Versus**

1. Pramod Singh @ Golu, S/o. Bihari, Aged About 25 Years, R/o. Village Kodwabani, Police Station Lalpur, District Mungeli, Chhattisgarh.
2. State Of Chhattisgarh, Through Police Station Lalpur, District Mungeli, Chhattisgarh.

---- Respondents

For Applicants	: Mr. Dharendra Pandey, Advocate
For Respondent No.1	: Mr. Awadh Tripathi, Advocate
For Respondent No.2/State	: Mr. Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/08/2018**

1. Apprehending arrest in connection with Criminal Complaint Case No.1452/2015, pending before the Court of Judicial Magistrate First Class, Mungeli, District – Mungeli (C.G.), for offence punishable under Section 448, 452, 461, 294, 506 (B), 323, 427, 395 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 applicants were not present on the spot of the incident and the story as

alleged in the complaint is totally false, which has been brought forth by the complainant side only for the reasons that on the complaint made by the applicants' side, offence U/s. 498-A of Indian Penal Code has been registered against the complainant in this case. Apart from that, the incident is said to have been taken place on 19.09.2014, whereas, private complaint has been made on 11.03.2015 after due deliberation. Hence, it is prayed that the applicants may be enlarged on anticipatory bail..

3. Per contra learned counsel for the respondent opposes the application for grant of bail and the submission made in this respect. It is submitted that the complainant has approached the police for lodging of FIR and filed complaint on 20.09.2014, but no action has been taken on the said complaint filed by him and subsequent to that the complainant was compelled to file complaint before the Court. In the material present in the case, there is clear allegation against both the applicants of being participant in the commission of all the offences registered against them. Hence they are not entitled for grant of anticipatory bail.
4. Learned counsel for the respondent No.2/State also opposes the application for grant of bail and the submission made in this respect.
5. I have heard the learned counsel for the parties and perused the case diary and the documents.
6. Marriage of the complainant Pramod Singh with Seema Thakur, the daughter of the applicant No.1 was performed on 18.04.2014. Seema Thakur filed a complaint in the Mahila Thana Bilaspur on 04.09.2014 on that basis offence under Section 498-A, 506, 323,

34 of the Indian Penal Code was registered against the complainant and others. Subsequent to that some of the persons accused in that case have been benefited with grant of anticipatory bail from the Sessions Court. It is alleged in the complaint that consequent to grant of anticipatory bail to the complainant and others, the applicants and others got enraged and they came along with 15-20 hooligans in three vehicles and forced their entry into the house of the complainant and took away all the gifts and dowry items given to Seema Thakur along with other items that belonged to the complainant. On complaint made to the police, no action was taken.

7. Considered the submissions made and the documents placed in the case diary. Considering on the entire material present in the case diary, it appears that no specific role is attributed to both these applicants. Hence, after due consideration of all the material present on record and also for the reason that both the applicants are women, this Court is inclined to release the applicants on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail 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 trial Court. 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 are directed to appear before the concerned Court on 04.09.2018 and 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