

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1364 of 2018**

1. Y. Hemakumar Advocate, S/o Y. Suryanarayan, Aged About 60 Years,
2. Y. Umadevi, W/o. Y. Hemakumar, Aged About 57 Years,
Both R/o D. No. 19-1-260, Udayapuram, Street- Palasha, Police Station- Palasha, Kashibugga, District- Shrikakulam, Andhra Pradesh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station- Women Cell, Raipur, (Mahila Thana), District- Raipur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. J.K. Gupta, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/11/2018**

1. Apprehending arrest in connection with Crime No.25/2018, registered at Police Station – Women Cell (Mahila Thana), Raipur, District – Raipur (C.G.) for offence punishable under Section 498-A, 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 complainant has made general statement and allegations against

these applicants. These applicants used to reside separately from their son and daughter-in-law, the complainant and they are not engaged in any manner in the commission of crime. 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. It is submitted that serious allegation has been made by the complainant regarding demand of dowry and causing miscarriage of her pregnancy against all the accused persons. Hence, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Marriage of the complainant – Sarla was performed with co-accused Prabhu Shrinivas on 24.11.2017. It is alleged that it was wrongly informed to negotiate the marriage with the co-accused Prabhu Shrinivas that he was working as scientist, whereas it was found later on that he was unemployed. It is further alleged that soon after the marriage, this applicants and husband of the complainant started making demand of Rs.20.00 lakhs by way of dowry from the complaint and on refusal, the complainant was sent to matrimonial home. Complainant has made statement that she was carrying pregnancy and on 03.03.2018, her husband, co-accused came to her parental home asking her to abort the pregnancy and on her refusal he kicked down her abdomen because of which, her pregnancy was aborted. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the nature of allegation that is against the

applicants apart from the allegation that is made against the husband of the complainant, I find a difference in the case against these applicants, hence for this reason, 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