

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C (A) No. 1301 of 2016

1. Priyank Soni S/o Ganesh Soni, Aged About 25 Years R/o Village Bandana, Post Kot, Police Station And Tahsil Sitapur, District Surguja, Chhattisgarh. Civil And Revenue District Surguja At Ambikapur, Chhattisgarh., Chhattisgarh
2. Ganesh Soni S/o Kailash Soni, Aged About 52 Years R/o Village Bandana, Post Kot, Police Station And Tahsil Sitapur, District Surguja, Chhattisgarh. Civil And Revenue District Surguja At Ambikapur, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. Uma Soni, D/o Ganesh Soni, Aged About 45 Years R/o Village Bandana, Post Kot, Police Station And Tahsil Sitapur, District Surguja, Chhattisgarh. Civil And Revenue District Surguja At Ambikapur, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. Lucky Soni S/o Ganesh Soni, Aged About 28 Years R/o Village Bandana, Post Kot, Police Station And Tahsil Sitapur, District Surguja, Chhattisgarh. Civil And Revenue District Surguja At Ambikapur, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
5. Renu Soni W/o Lucky Soni, Aged About 25 Years R/o Village Bandana, Post Kot, Police Station And Tahsil Sitapur, District Surguja, Chhattisgarh. Civil And Revenue District Surguja At Ambikapur, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through S.H.O. Mahila Police Station Ambikapur, Surguja, District Surguja, Chhattisgarh., Chhattisgarh.

---- Respondent

For Applicant	: Mr. A. K. Prasad, Advocate
For Respondent/State	: Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22.03.2018

1. Apprehending arrest in connection with Crime No. 09/2016 registered at Police Station- Mahila Police Station, Ambikapur, District – Surguja, C.G.), for offence punishable under Sections 498 – A/34 of the Indian Penal Code, the applicant have preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. In fact mother-in-law of applicant No.1 was interfering too much in the married life of the complainant and Applicant No.1. because of which some dispute arose and the complainant left her matrimonial home in July 2016, and this is continuously living with her mother. Subsequently, the false FIR has been lodged against these applicants by the complainant. The applicants moved a petition bearing Cr.M.P, No. 1343/2016, wherein by order dated 03.10.2017, this Court directed that complaint against the applicants be considered by the constituted committee as per the direction issued by the Supreme Court in case of Rajesh Sharma Versus State of Uttar Pradesh, reported in AIR 2017 SC 3896. As per the information of the applicants, the report has been received by the Police and it is now a part of the case diary.
3. Learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused all the documents.

5. Facts of the case are these, that marriage of the complainant (Sonali @ Sonalika Soni) and applicant No. 1 was performed on 17.02.2016, because of some dispute the complainant left her matrimonial home in July 2016. A written complaint was given by the complainant in the concerned police station regarding demand of dowry of Rs. 2 lac and subjecting her to cruel treatment, on the basis of this complaint FIR has been lodged against the applicants. Hence, this case.
6. Considering the submissions made, contents of the case diary and the nature of the allegations against the applicants. Also, perused the report submitted by the constituted committee and keeping in view of the principles laid down by Supreme Court judgment of *Arnesh Kumar Versus State of Bihar* reported in **(2014) 8 SCC 273**, and *Rajesh Sharma Versus State of Uttar Pradesh* reported in **AIR 2017 SC 3896**, I am of the opinion that the applicants deserve to be benefited with grant of anticipatory bail.
7. 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 offences, 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 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.

Sd /-

(Rajendra Chandra Singh Samant)

Judge