

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1356 of 2018

1. Vinod Singh Tandon S/o Darasram Tandon, Aged About 56 Years, Occupation- Government Service, R/o- Vinoba Nagar, Boirdadar, Raigarh, Tehsil And District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Smt. Ambika Tandon W/o Vinod Singh Tandon, Aged About 47 Years, Occupation- House Wife, R/o- Vinoba Nagar, Boirdadar, Raigarh, Tehsil And District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
3. Premchand Tandon S/o Darasram Tandon, Aged About 41 Years, Occupation- Janpad Upadhyaksh, R/o- Village- Chuhipali, Thangan, Tehsil- Dabhra, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Smt. Girja Tandon W/o Premchand Tandon, Aged About 35 Years, Occupation- House Wife, R/o- Village- Chuhipali, Thangan, Tehsil- Dabhra, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Station, Dabhra, District- Tehsil- Dabhra, District- Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants – Shri Chandresh Shrivastava, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-11-2018

1. Apprehending arrest in connection with Crime No.268/2018, registered at Police Station –Dabhra, District-Janjgir Champa, Chhattisgarh for offence punishable under Section 498, 312, 377, 34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicant No.1 and applicant No.2 are residing in Raigarh, whereas, applicant No.3 and applicant No.4 are residing in separate house. The main accused Mukesh Tandon and his wife, the complainant, used to reside in separate house. Hence, these applicants had not played any role in the said commission of offence. The complainant

has made general allegation against these applicants and there is no connection of these applicants with the offence under Section 377 of the IPC. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the complainant has made serious allegation against these applicants regarding the demand of dowry and also regarding the termination of her pregnancy. Hence, no case is made out for grant of anticipatory bail.

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

5. Marriage of co-accused Mukesh Tandon with complainant Mamta Tandon took place on 04-05-2017. It is alleged by the complainant, that soon after the marriage, her husband and her in-laws made clear about their dissatisfaction with the items received in dowry and she was beaten and tortured by her husband. It is alleged that when the complainant became pregnant her husband wanted to abort it and applicant No.3 and applicant No.4 helped, by administering some medicine to the complainant, because of which, her pregnancy was aborted, consequent to that, the complainant was compelled to leave her matrimonial home and then she has lodged the FIR.

6. Considered on the entire material present in the case diary and looking to the generality of the statement regarding demand of dowry and torture given to the complainant and also looking to this fact that the main allegations are against main accused Mukesh Tandon, I feel inclined to allow this application.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge