

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1423 of 2018**

1. Jagdish Yadav, S/o. Natwar Yadav, Aged About 30 Years,
2. Gulabi Bai, W/o. Natwar Yadav, Aged About 50 Years,
3. Kalawati Yadav, W/o. Lalit Yadav, Aged About 35 Years

All by caste -Mahkul, R/o Deldabba Ghughari, Police Station Bagicha, District -Jashpur Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Bagicha, District - Jashpur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Rahul Tamaskar, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/11/2018**

1. Apprehending arrest in connection with Crime No.158/2018, registered at Police Station – Bagicha, District – Jashpur (C.G.) for offence punishable under Section 498-A 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 herself does not want to leave in her matrimonial home. A meeting of caste community was held in which all the

efforts have been made by the applicants' side for reconciliation but complainant has herself refused to come back to her matrimonial home and she has lodged false FIR making false allegation. 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 alleged that according to the statement given by the complainant, she was being tortured by the applicants for demand of dowry. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The marriage of the complainant with co-accused Ganesh Yadav took place on 26.03.2017. It is alleged that soon after the marriage, the husband and in-laws expressed their dissatisfaction about the dowry given and treated the complainant with cruelty because of which, she was compelled to leave the matrimonial home and FIR was lodged.
6. Considered the submissions made and the contents of the case diary and also perused the documents submitted along with the application. After due consideration of all the material present in the case and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, 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