

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1538 of 2018

1. Virendra Kumar Kaiwart S/o Maniram Kaiwart, Aged About 50 Years, Caste Kewat, R/o Village Sekhwa, Police Station Pendra, District Bilaspur Chhattiagarh., District : Bilaspur, Chhattisgarh
2. Rohni Bai Kaiwart W/o Virendra Kaiwart, Aged About 45 Years, Caste Kewat, R/o Village Sekhwa, Police Station Pendra, District Bilaspur Chhattiagarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through The Police Station Pendra, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Rakesh Pandey, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-12-2018

1. Apprehending arrest in connection with Crime No.108/2018, registered at Police Station – Pendra District Bilaspur, Chhattisgarh for offence punishable under Section 498A, 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 these applicants have been falsely implicated in this case. A totally false allegation has been made by the complainant against these applicants. In fact, the complainant herself did not want to reside in her matrimonial home, because of which, she has left her matrimonial home about three years back and after a long delay and due deliberation, the false FIR has been lodged.
3. Learned counsel for the State/non-applicant opposes the application submitting that looking to the allegation made by the complainant in her statement to the police, 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 the son of these applicants, Kirtan Kewat with complainant Yashoda Bai took place in the year 2012. It is alleged that soon after the

marriage these applicants and the husband of the complainant started torturing the complainant for not bringing sufficient dowry and they were also making additional demand of dowry from her, because of which, she was compelled to leave her matrimonial home about 3 years prior to lodging of the FIR. Later on, the FIR has been lodged on 24-03-2018.

6. Considering the delay in lodging the FIR and also keeping in view the guidelines laid down by Hon'ble the Supreme Court in case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273, 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