

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1571 of 2018**

1. Smt. Renu Dev, W/o. Late Goutam Dev, Aged About 55 Years
2. Ku. Pooja Dev, D/o. Late Goutam Dev, Aged About 35 Years,
3. Shrikant Dev, S/o. Late Goutam Dev, Aged About 33 Years,

All are R/o Quarter No. D/02, Yash Vihar, Moti Nagar, Police Station Tikrapara, Raipur District Raipur Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through: The Station House Officer, Police Station Mahila Thana, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicants : Mr. D.N. Prajapati, Advocate

For Respondent/State : Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/12/2018**

1. Apprehending arrest in connection with Crime No.44/2018, registered at Police Station – Mahila Thana, Raipur, District – Raipur (C.G.) for offence punishable under Section 498-A, 506 read with Section 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 applicant No.3 and the complainant Suman Devi fell in love and performed marriage in Arya Samaj in the year 2006. They have female child

out of this wedlock. The complainant is residing separately from her husband since 4-5 years before the FIR was lodged on 26.10.2018 and is also receiving maintenance from the applicant No.3 on the basis of the order passed by the Court. Totally false FIR has been lodged against the applicants after huge delay without any substance. 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.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The history of the applicant No.3 and the complainant is discussed herein above. The complainant after residing 4-5 years separately, lodged FIR making allegation that after birth of her daughter in the year 2011, behaviour of the applicant changed and he has used abusive words, tortured and treated her with cruelty with demand of dowry.
6. Considered the submissions made and the contents of the case diary. As the allegation against the applicants regarding demand of dowry and torture is general in nature and the FIR has been lodged after passing of about 4-5 years and further for the reasons that the dispute between the applicants and the complainant is existing and continuing since long, 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