

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1615 of 2018**

1. Mohd. Salim S/o Late Shri Abdul Hanif Aged About 63 Years R/o Idgah Road, Farid Nagar, Supela, Bhiali, Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh
2. Smt. Nasim Bano W/o Mohd. Salim Aged About 58 Years R/o Idgah Road, Farid Nagar, Supela, Bhiali, Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh
3. Ku. Jainab Parvin D/o Mohd. Salim Aged About 22 Years R/o Idgah Road, Farid Nagar, Supela, Bhiali, Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through District Magistrate, Janjgir District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicants : Shri Vimlesh Bajpai, Advocate.
 For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.12.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 19 of 2018, registered at Police Station – Bhilai Nagar, District Durg, Chhattisgarh for the offence punishable under Section 498A/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants

on the basis of the material placed before the Court by the prosecution. Complainant has made general statement in which there does not appear to be any demand of dowry and further, the allegation made show only some dispute which cannot be regarded as cruel treatment. The main accused i.e. husband of complainant – Mohd. Soyab Khan has been granted regular bail by the trial Court itself. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. Complainant – Smt. Ishrath Siddiqui filed a written complaint in the police station alleging that after one year of her marriage these applicants and co-accused - Mohd. Soyab Khan started to taunt her for not bringing car and they also used to pressurize and torture her to bear another child to which she refused and then, she lodged an FIR.

7. Considering the material present in the case-diary and also keeping in view the observations made by the Supreme Court in the case of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273**, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

8. 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 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 in the like sum to the satisfaction of the concerned Investigating Officer. They 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 them 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