

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 14 of 2019**

1. Vishnu Ram Sahu, S/o. Late Mangal Singh, Aged About 26 Years,
 2. Kishore Sahu, S/o. Late Mangal Sahu, Aged About 25 Years,
 3. Usha Sahu, D/o. Late Mangal Singh, Aged About 21 Years,
 4. Tiloka Bai, Wd/o. Late Mangal Singh, Aged About 48 Years,
- All are R/o. R.E.S. Colony Near Airtel Tower Bachel District South Bastar Dantewada Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : The Police Station Bachel, District South Bastar Dantewada Chhattisgarh.

---- Respondent

For Applicants	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Rahul Tamaskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/01/2019**

1. Apprehending arrest in connection with Crime No.92/2018, registered at Police Station – Bachel, District – Dantewada (C.G.) for offence punishable under Section 304 (B) 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. No case is made out against the applicants on the basis of the material present in the case diary. The marriage of the applicant No.1 with the deceased Priti Sarkar took place on 03.05.2017, which was a

love marriage without the consent of the family members of the applicant No.1 in this case which was only resentment of the applicant towards the complainant and in fact there had been no demand of dowry or any torture or any cruel treatment towards the deceased by the applicants. FIR has been lodged on the basis of written complaint after passing of about 10 days from the date of death of the deceased, which itself shows that the allegation against these applicants have been made after due deliberation and concoction. Therefore, it is prayed that the applicant 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 submitted that mother of the deceased has given statement and her statement finds support from the statement given by the neighbours that the deceased was subjected to torture for demand of dowry, therefore, their application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. After performance of the marriage of the applicant No.1 with the deceased on 03.05.2017 while residing in matrimonial home, the deceased was subjected to cruel treatment by her husband and in-laws for demand of dowry of Rs.1.00 lakh and the applicant No.2 used to frequently thrash the deceased for the reason of non fulfillment of the demand. The deceased committed suicide by hanging herself on 20.10.2018 subsequent to which on 30.10.2018 complainant Durga Sarkar filed a written complaint and on that basis FIR has been lodged.

6. Considered the submissions and the contents of the case diary.
Considering on the entire material present in the case diary, the main allegation appears to be mainly against the applicant No.1, hence I am not inclined to grant anticipatory bail to the applicant No.1. Whereas the allegation raised against the applicants No.2 to 4 appears to be general in nature and there is no allegation against them that they have thrashed and beaten the deceased, hence, for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants No.2, 3 & 4.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. in respect of the applicant No.1 is rejected and in respect of the applicants No.2 to 4 is allowed.
8. It is directed that in the event of arrest of the applicants No.2 to 4 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

Balram