

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 22 of 2019

1. Smt. Shyam Bai W/o Sushil Soni Aged About 62 Years R/o Village Rajiv Shiv Nagar Ward No. 02, Thana Kotwali District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Mohan Lal Soni S/o Sushil Soni Aged About 32 Years R/o Village Rajiv Shiv Nagar Ward No. 02, Thana Kotwali District Durg Chhattisgarh., District : Durg, Chhattisgarh
3. Ravi Kumar Soni S/o Sushil Soni Aged About 27 Years R/o Village Rajiv Shiv Nagar Ward No. 02, Thana Kotwali District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Aarakshi Kendra City Kotwali Police Durg District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Rajendra Patel, Advocate.
For Respondent : Mr. Adil Minhaj, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/01/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.1063/2018 registered at Police Station-City Kotwali, Durg(C.G.), for

the offence punishable under Sections 498A, 34 of the Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that no case is made out against these applicants. The complainant Renuka Soni was herself a quarrelsome woman and as she could not peacefully live with applicants, she and her husband lived separate for couple of months and thereafter whatever has occurred, these applicants have no connection with that. Totally false allegations have been made by the complainant against these applicants, therefore, it is prayed that they may be released on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear allegation in the FIR and statement recorded by the police, that these applicants were equally involved in cruel treatment given to the complainant for demand of dowry, therefore, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. Marriage of the complainant Renuka Soni with co-accused Gulab Soni was performed on 29.6.2018. It is alleged that while residing in the matrimonial home, the complainant was subjected to cruel treatment by the applicants for the reason that demand of dowry was not fulfilled by her parents. Consequent to the disputes, the complainant left her matrimonial home and start living with her husband in Raipur, where because of ill treatment given by her husband, she finally quit her

matrimonial home and found shelter in her parental home from where the FIR has been lodged on 5.12.2018 against the applicants and her husband.

6. Considered on the entire material present in the case diary, as it appears that this complainant had left the place where these applicants were residing couple of months ago and the allegation made against them are general in nature. Further, there are chances of settlement in this case, hence, keeping in view the law laid down by the Hon'ble Supreme Court in the matters of ***Arnesh Kumar vs. State of Bihar*** reported in **(2014) 8 SCC 273**, and ***Rajesh Sharma vs. State of Uttar Pradesh and Ors*** reported in **(2017) 8 SCALE 313**, I am of this opinion that applicant deserves to be benefited with grant of anticipatory bail.
7. 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 their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicants shall make himself 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha