

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 28 of 2019

1. Guptanand Tiwari S/o Late Devnayak Tiwari aged about 59 Years, R/o Q. No. 937 Street No. 17, Shanti Nagar Mahadev Colony Bhilai Thana Supela Tahsil and District Durg Chhattisgarh.
2. Smt. Namita Dubey W/o Shri Ravishankar Dubey aged about 28 Years R/Q. No. 1/B, Street No.-32, sector-7, Bhilainagar, Thana-sector 6, Bhilainagar, Tahsil/District-Durg Chhattisgarh.

---- Applicants

Versus

- The State Of Chhattisgarh Through District Magistrate, Police Station Mahila Thana Tahsil and District Durg Chhattisgarh.

---- Respondent

For Applicants : Mr. Samir Singh, Advocate.
For Respondent : Mr. Lav Sharma, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

25/01/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.20/2018 registered at Police Station- Mahila Thana, Durg (C.G.), for the offence punishable under Section 498-A/34 of Indian Penal Code & Section 4 of Dowry Prohibition Act.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against them. Similarly placed co-accused persons have been granted

anticipatory bail by this Court, therefore, it is prayed that applicant may also be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. Marriage of complainant Nisha Tiwari with co-accused Ranvijay Tiwari was performed on 7.2.2018. There is allegation that the husband and in-laws of the complainant treated her with cruelty for demand of dowry and in subsequent development, co-accused Ranvijay Tiwari has eloped with some other woman and thereafter this FIR has been lodged.
6. After perusing the entire material present in the case diary and considering this fact that similarly placed co-accused persons have been granted anticipatory bail, therefore, I am of this view that present is a fit case where the applicants can be granted anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant 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 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha