

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 147 of 2019**

1. Smt. Rammati W/o Late Shri Chhatram, aged About 75 Years by Caste-Satnami, R/o Village Nardha, Thana-Gidhouri, Civil & Revenue District-Balodabazjar-Bhatapara Chhattisgarh
2. Narmada Bai W/o Shri Lakhan Lal, aged About 45 Years by Caste Satnami, R/o Village Nardha, Thana-Gidhouri, Civil & Revenue District-Balodabazjar-Bhatapara Chhattisgarh
3. Lakhan Lal S/o Shri Chhatram, aged About 50 Years by Caste Satnami, R/o Village Nardha, Thana-Gidhouri, Civil & Revenue District -Balodabazjar-Bhatapara Chhattisgarh
4. Ku. Bhanupriya D/o Shri Ratan Lal, aged About 20 Years by Caste Satnami, R/o Village Nardha, Thana-Gidhouri, Civil & Revenue District-Balodabazjar-Bhatapara Chhattisgarh

----Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Gidhouri- Tundra, Civil & Revenue District-Balodabazjar-Bhatapara
Chhattisgarh

---- Respondent

For Applicants	: Mr. Sunil Kumar Sahu, Advocate
For Respondent/State	: Mrs. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****08/02/2019**

1. Apprehending arrest in connection with Crime No.257/2018, registered at Police Station – Gidhouri - Tundra, District – Balodabajar – Bhatapara (C.G.) for offence punishable under Section 498(A)/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. No case is made out against the applicants on the basis of the material

present on record. These applicants were never engaged in treating the complainant with cruelty for the reason that soon after the marriage, the complainant Udit Madhukar left the household of these applicants to live with her husband in Surajpur, where he was in service and she left her husband after quarreling with him in the month of March, 2018. Thereafter, has levelled false allegations against these applicants which is without any basis. Therefore, it is prayed that the applicant may also 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 there are allegations against these applicants regarding treating the complainant with cruelty and demand of dowry. Therefore, these applicants are not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The marriage of the complainant Udit Madhukar was performed on 16.04.2017 with co-accused Nitesh Madhukar. In the FIR lodged she has alleged that her husband and in-laws continuously used to treat her with cruelty and also make demand of Rs. 2,00,000/- as dowry from her.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case and taking into consideration the fact that similarly placed co-accused persons have been enlarged on anticipatory bail and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P.*

& Ors. reported in 2017 (8) SCALE 313, 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