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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 170 of 2019**

1. Jitendra Singh Chadda S/o Late Kuldeep Singh Chadda Aged About 56 Years R/o Flat No. 302, A-Plot No. 368/4, Zoom Appartment, Shere Punjab Colony, Andheri (East) Mumbai Maharastra, District : Mumbai, Maharashtra
2. Smt. Taranjeet Kaur Chadda W/o Shri Jitendra Singh Chadda Aged About 56 Years R/o Flat No. 302, A-Plot No. 368/4, Zoom Appartment, Shere Punjab Colony, Andheri (East) Mumbai Maharastra, District : Mumbai, Maharashtra
3. Jasmeet Singh Chadda S/o Shri Jitendra Singh Chadda Aged About 30 Years R/o Flat No. 302, A-Plot No. 368/4, Zoom Appartment, Shere Punjab Colony, Andheri (East) Mumbai Maharastra, District : Mumbai, Maharashtra

---- Applicants**Versus**

The State Of Chhattisgarh Through The Womens Police Station Raipur
District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Awadh Tripathi, Advocate.
For the Respondent/State : Ms. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.02.2019**

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. 51 of 2018, registered at Police Station – Mahila Thana, Raipur, District Raipur, Chhattisgarh for the offence punishable under Sections 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. According to the statement given by the complainant herself, the nature of allegation is made in general. The main allegation is against her husband regarding making demands to establish his business. All these applicants reside in Mumbai whereas, the complainant and her husband/co-accused reside in Nagpur since March, 2015. Hence, these applicants had no occasion to make any demand of dowry or torture the complainant for fulfillment of such demand. 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. It is submitted that according to the statement of the complainant in FIR and the statement under Section 161 of the Cr.P.C, she had been tortured and treated with cruelty on various pretexts and there are details of money paid by father of the complainant to the family of the applicants, therefore, it is a clear case of cruel treatment for demand of dowry. Hence, it is prayed that the applicants are not entitled for grant of anticipatory bail.

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

6. Marriage of complainant-Ekleen Kaur Chadda with co-accused - Karan Singh Chadda was performed in the year 2013. It is alleged that in the negotiation of marriage, her husband and in-laws made various demands and some of them were fulfilled. Subsequently, when the complainant started residing with her husband in Nagpur for establishment of his business where

she was again tortured by her husband for fulfillment of demand of Rs. 10,00,000/- and ultimately, the complainant was driven out of her matrimonial home in the year 2017. FIR has been lodged on 28.12.2018. Hence, this case.

7. Considered the entire material present in the case-diary. It appears that since past three years these applicants and husband of the complainant were living separate and also for the reason that the allegation made against them regarding demand of dowry etc. appears to be of general in nature. Hence, for these reasons, I feel inclined to grant anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail applications are 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

Nimmi