

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 197 of 2019**

Amit Agrawal, S/o. Kedarnath Agrawal, Aged About 20 Years, Caste Agrawal, R/o. Basna, Police Station Basna, District -Mahasamund, Chhattisgarh.

**----Applicant****Versus**

State Of Chhattisgarh, Through : Police Station -Basna, District Mahasamund, Chhattisgarh.

**---- Respondent****AND****M.CR.C.(A). No. 215 of 2019**

Ashish Agrawal, S/o. Kedarnath Agrawal, Aged About 32 Years, Caste Agrawal, R/o. Basna, Police Station -Basna, District Mahasamund Chhattisgarh.

**----Applicant****Versus**

State Of Chhattisgarh, Through : Police Station -Basna, District Mahasamund, Chhattisgarh.

**---- Respondent**


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| For Applicants       | : Mr. Sanjay Agrawal, Advocate |
| For Respondent/State | : Mr. Aadil Minhaz, P.L.       |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****26/02/2019**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. Apprehending arrest in connection with Crime No.16/2019, registered at Police Station – Basna, District – Mahasamund (C.G.) for offence punishable under Section 498 (A)/34 of the Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.
3. 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. Totally false FIR has been lodged by the complainant. The complainant has left the matrimonial home on her own on 09.01.2017 as the life not remained peaceful because of her presence in the matrimonial home. It is a case of simple matrimonial dispute regarding which false allegations have been made in the FIR. One of the co-accused has been granted anticipatory bail by the Court below. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Marriage of the complainant- Goldi Agrawal was performed with the applicant - Ashish Agrawal (in M.Cr.C.(A) No.215/2019) on 16.02.2010. It is alleged that after she gave birth to a female child, the applicants and co-accused started harassing and torturing her on various pretext including demand of dowry. Finally, the complainant was driven out from the matrimonial home on 06.08.2018 and thereafter, FIR has been lodged on 08.01.2019.

7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and chronology of the reason that has been taken place, which shows dispute has started in the year 2011, therefore, taking into consideration the nature of dispute and the possibility of the settlement and further 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.
8. Accordingly, both the anticipatory bail application filed under Section 438 of Cr.P.C. are allowed.
9. 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

Balram