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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 342 of 2019**

1. Ajay Kumar Kurre S/o Dilsingh Aged About 25 Years R/o Police Line, Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Dilsingh Kurre S/o Late Rameshwar Prasad Kurre Aged About 62 Years R/o Village Masniyakala, Police Thana Sakti, District Janjgir Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Smt. Sukmat Bai W/o Dilsingh Kurre Aged About 58 Years R/o Village Masniyakala, Police Thana Sakti, District Janjgir Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. Devkumar Kurre S/o Anindra Kumar Kurre Aged About 21 Years R/o Village Masniyakala, Police Thana Sakti, District Janjgir Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
5. Ku. Purnima Kurre D/o Anindra Kumar Kurre Aged About 19 Years R/o Village Masniyakala, Presently Residing At R.B. College, B.Sc. (Nursing), Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
6. Smt. Sushila W/o Sawan Khunte Aged About 29 Years R/o Village Devarmal, Police Thana Sakti, District Janjgir Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Sakti, District Janjgir Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Hari Agrawal, Advocate.
For the Respondent/State	:	Ms. Madhunisha Singh, P.L.
For the Objector	:	Shri Ishwar Jaiswal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.03.2019**

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. 55 of 2019, registered at Police Station – Sakti, District – Janjgir-Champa, Chhattisgarh for the offences punishable under Sections 498A/ 34 and 323/ 34 of the Indian Penal Code.

3. It is submitted by 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 placed before the Court by the prosecution. The marriage of applicant No. 1 – Ajay Kumar Kurre with complainant – Kavita Kurre has taken place on 7.5.2018. The complainant herself is having complaining nature, therefore, she filed first complaint on 24.10.2018 on the basis of which, she and applicant No.1 themselves appeared before the Family Settlement Committee on 31.10.2018 in which the matter was compromised. Later on, on the basis of the same facts again a complaint was made on 15.1.2019 on which no action was taken by the police. Thereafter, the third complaint was filed on 28.1.2019 based on the same facts. On the basis of which, FIR has been lodged. The grievance of complaint is mainly this, that the applicant resides in Bilaspur and he is not taking the complainant with him.

It is further submitted that the complainant is frequently leaving her matrimonial home and visiting her paternal home because of which, the number of complaints were filed. Applicant No.1 is a government servant working as a Police Constable. Hence, 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 there is evidence of cruel treatment against the applicants in the investigation made so far. Hence, it is prayed that the applicants are not entitled for grant of anticipatory bail.

5. Learned counsel for the Objector submits that the main grievance of the complainant is against applicant No.1 who being the Police Constable is influential and because of his influence the complainant had to make numerous efforts for getting her FIR lodged. Hence, no case is made out for grant of anticipatory bail to the applicants.

Complainant – Kavita Kurre is present in person who had been identified by counsel for the Objector. She has also opposed the arguments submitted by counsel for the applicants and narrated about the details of cruel treatment given to her by the applicants.

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

7. Marriage of applicant No.1 – Ajay Kumar Kurre with complainant – Kavita Kurre took place on 7.5.2018. It is alleged by the complainant that soon after the marriage her husband and in-laws started torturing her for demand of dowry. It is also alleged that applicant No.1 is keeping another woman as his consort in Bilaspur because of which, he does not want to meet the complainant and he used to assault and beat her. Hence, this case.

8. Considering the submissions made and the contents of the case diary, I do not feel inclined to grant anticipatory bail to applicant No.1 – Ajay Kumar Kurre. However, in the matter of rest of the applicants, I feel inclined to grant anticipatory bail to applicants No.2 to 6.

9. Accordingly, the bail application filed under Section 438 of the Cr.P.C. of applicant No.1 – Ajay Kumar Kurre is rejected. However, the trial Court is directed that on applicant No.1 – Ajay Kumar Kurre surrendering before the trial Court within a period of 10 days from today his bail application may be considered and decided as expeditiously as possible, preferably on the same day without taking into consideration the observations made in this order.

10. The bail application filed under Section 438 of the Cr.P.C. of applicants No.2 to 6 is allowed. It is directed that in the event of arrest of applicants No.2 to 6 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 applicants No.2 to 6 shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that applicants No.2 to 6 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 applicants No.2 to 6 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicants No.2 to 6 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