

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 405 of 2019**

1. Smt. Rekha Sahu, W/o. Shri Naresh Sahu, Aged About 49 Years, Occupation Housewife, R/o. Kharun Rail Vihar Colony, Station Road Raipur, P.S. Ganj, Raipur, Civil and Revenue District Raipur Chhattisgarh.
2. Smt. Pratibha Sahu, W/o. Shri Rajeshkhar Sahu, Aged About 31 Years, R/o. I.T. College Campus, Korba, Civil and Revenue District Korba Chhattisgarh.
3. Smt. Preeti Sahu, W/o. Shri Suresh Sahu, Aged About 27 Years, R/o. Near Dr. C. P. Singh Hospital, Akaltara Civil and Revenue District Janjgir Champa, District : Janjgir-Champa, Chhattisgarh

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station Mahila Thana, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Manish Thakur, Advocate
For Respondent/State	: Mrs. Smita Jha, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/05/2019**

1. Apprehending arrest in connection with Crime No.4/2019, registered at Police Station – Mahila Thana, Raipur, District – Raipur (C.G.) for offence punishable under Section 498-A read with Section 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 in the case diary. There is no specific allegation against these applicants in the case. The complainant is daughter-in-law of the applicant No.1 and sister-in-law of the applicant No.2 and No.3.

The complainant used to reside with her husband in Nagaland, whereas, these applicants reside in Korba, therefore, there had never been any occasion to make demand and harass the complainant on the part of these applicants. Hence, for this reason, it is prayed that the applicants may 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 husband of the complainant has tortured her for demand of Rs.12.00 lakhs and other jewelery items in which the applicants also have involvement. Therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Marriage of the complainant Anandita Sahu was performed with Praveen Sahu son of the applicant No.1 and brother of the applicant No.2 and 3 on 18.04.2017. After a month of marriage, the complainant started residing with her husband in Nagaland, but she was tortured for demand of Rs.12.00 lakhs in cash, therefore, she left and lodged a complaint in the police station on 23.10.2017. During the counseling process, a compromise was also arrived at and the complainant again went to live with her husband in Dimapur, but behaviour of the co-accused Praveen Sahu has not changed i.e. why she had to leave her matrimonial home and reside in her parental home.
6. Considered the submissions made and the contents of the case diary. The main allegation of demand of dowry and torture of the complainant is against the husband of the complainant, therefore,

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