

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.A. No. 454 of 2019

1. Ramswarup Nirmalkar S/o Pardeshiram Nirmalkar, Aged About 53 Years
2. Binda Nirmalkar W/o Ramswarup Nirmalkar, Aged About 45 Years

[Both are R/o Bhagwat Chowk, Labour Camp, Ward No. 8, Jamul, Police Station- Jamul, Bhilai, Tahsil And District Durg Chhattisgarh]

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station, Jamul, District Durg Chhattisgarh.

---- Non-applicant

For Applicant – Mr. Sanjay Kumar Agrawal, Advocate.

For Non-applicant/State – Ms. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-04-2019

1. Apprehending arrest in connection with Crime No.57/2019, registered at Police Station – Jamul, District- Durg, Chhattisgarh 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 learned counsel for the applicants that no case is made out against these applicants. The complainant has made allegation that are very general in nature and there is no allegation about specific demand of any item or cash in dowry. It is a simple case of matrimonial discord. Therefore, it is prayed that these applicants be granted anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that looking to the statement made by the complainant, no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.

5. Marriage of complainant Vibharani Nirmalkar with co-accused Top Singh Nirmalkar was held on 24.11.2016. It is alleged that soon after the marriage, the husband and the applicants started torturing the complainant on various pretexts and also making complaints that dowry was not given satisfactorily. One female child was born to the complainant on 25th March, 2019. Subsequent to that, torture and cruel treatment towards the complainant was increased by her husband and in-laws. Therefore, the F.I.R. has been lodged.
6. Considered on the entire material present in the case diary and looking to the nature of the dispute that is between the applicants and the complainant and also their relation with her and keeping in view the guidelines laid down by Hon'ble the 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, I am of this view that this applicants should be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika