

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 378 of 2019

1. Murli Yadav S/o Late Shri Gorelal Yadav Aged About 35 Years R/o Village Rishda, Police Station Baradwar, Tahsil Champa, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Smt. Ranjita Yadav W/o Murli Yadav Aged About 30 Years R/o Village Rishda, Police Station Baradwar, Tahsil Champa, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Baradwar, Civil And Revenue District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. K.P.S. Gandhi, Advocate.
For Respondent : Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

19/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.33/2019 registered at Police Station-Baradwar, District–Jangir-Champa(C.G.), for the offence punishable under Sections 498-A, 323, 34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against the applicants. The complainant has made general allegations

against the applicants and the co-accused persons. It is a case of matrimonial discord because the complainant has left her matrimonial home just after a month from the date of her marriage and she has made false allegations against applicant No.1 brother-in-law and applicant No.2 is the wife of applicant No.1, who have a separate residence and have no connection with the alleged commission of offence, therefore, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that there is allegation of demand of money made by these applicants and subjecting the complainant to cruel treatment, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged, marriage of complainant with co-accused Hariram was performed on 26.4.2018. It is alleged that soon after the marriage the applicant and the other accused persons making the statement that the expenses of marriage has been made beyond their budget which should be compensated by the complainant, hence, the demand was made and for fulfillment the demand the complainant was tortured and subjected to cruel treatment. Hence, this case.
6. Considering on the nature of case and also keeping in view the law laid down by the Hon'ble Supreme Court in the matters of **Arnesh Kumar vs. State of Bihar** reported in (2014) 8 SCC 273, and **Rajesh Sharma vs. State of Uttar Pradesh and Ors** reported in (2017) 8 SCALE 313, I am of this opinion that applicants deserve to be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is

directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge