

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 468 of 2019

1. Krishna Devi Agrawal, W/o Late Kanwarsen Agrawal Aged About 56 Years R/o Camp 2, New Fish Market, Power House , Bhilai, Tahsil And District Durg Chhattisgarh.
2. Ajay Agrawal, S/o Late Kanwarsen Agrawal, Aged About 38 Years R/o Camp 2, New Fish Market, Power House , Bhilai, Tahsil And District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh.

---- Respondent

For Applicants	:	Mr. N. Naha Roy, Advocate.
For Respondent	:	Mrs. Madhunisha Singh, PL.
For Objector	:	Mr. Vijay Kumar Sahu, Advocate.

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

15/04/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.16/2019 registered at Police Station-Mahila Thana, Sector-6, Bhilai, District-Durg(C.G.), for the offence punishable under Sections 498-A, 34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act, 1961.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against them. The main allegation in the FIR is only against the husband of the complainant who is not an applicant in this application. The allegation against these applicants are of general in nature and that has been falsely made, hence, it is prayed that application be allowed.
3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that these applicants have also played a role in subjecting the complainant to torture, therefore, they are not entitled for grant of anticipatory bail.
4. Learned counsel for the objector after adopting the argument submitted by counsel for State opposes the bail application and submissions made in this respect. It is submitted that despite the compromise that took place some time before the lodging of FIR, the behavior of these applicants continued to be cruel and torturous and these applicant were in full support of the demands made by the husband of the complainant, therefore, no case is made out in their favor.
5. Heard both the parties and perused the case diary.
6. Marriage of complainant with the co-accused Vijay Agrawal took place on 23.11.2017. It is alleged that soon after marriage the husband of the complainant started torturing the complainant making the demand of Rs.10 lakhs for paying his debts and he also by putting the complainant under pressure withdrew some amount from her bank account. The torture continued in which these applicants also participated. Later on, a compromise also took place and the

complainant came back and reside in her matrimonial home, but husband and in-laws of the complainant treated her with cruelty again.

7. Considering the entire material present in the case diary, the main allegation seems to be only against the husband of the complainant. These applicants have been joined in the FIR by making general allegations against them 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.
8. Accordingly, the anticipatory bail application is allowed and 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 their executing a personal bond in the sum of Rs.25,000/- each with one surety 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha