

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 450 of 2019**

1. Arif Beigh S/o Late Hasan Beigh Aged About 33 Years R/o 3/10, Santoshi Pra, Ward No. 24, Camp-2, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Smt. Sagira B W/o Late Hasan Beigh Aged About 85 Years R/o 3/10, Santoshi Pra, Ward No. 24, Camp-2, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station-
Chavni, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicants : Shri B.P. Singh, Advocate.
For the Respondent/State : Shri Himanshu Kumar Sinha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.03.2019**

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. 12 of 2018, registered at Police Station – Chavni, District Durg, Chhattisgarh for the offence punishable under Section 498A/34 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that they 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. In

fact, the dispute between applicant No.1 and his wife was simple for the reason that this applicant would not permit her to go back to her parental house very often. The other allegation that has been made in the complaint was totally false. The complainant had filed her first complaint before the police on 28.9.2017 in which she had made general allegation but there were no demand of dowry and no allegation of demand of Rs.50,000/- cash against the applicants' side. In the later on development, in the FIR dated 4.3.2019 this false allegation has been made that demand of Rs.50,000/- was being made by the applicants. Applicant No.1 still wants to reconsider his married life. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. The marriage of applicant No.1 with the complainant took place on 25.7.2017. It is alleged that soon after the marriage the applicant tortured his wife/ the complainant for demand of dowry and cash of Rs.50,000/- because of which, she was compelled to leave her matrimonial home and lodged the FIR against him.

7. Considering the entire material present in the case-diary, and also keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273** and

Rajesh Sharma vs. State of Uttar Pradesh and Others reported in (2017)

8 SCALE 313, I am of the opinion that the present is a fit case where the applicants are entitled to be released on 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 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 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge