

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 456 of 2019

1. Sharad Jain S/o Late Mangi Lal Jain Aged About 36 Years R/o Pipariya, P.S. & Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.
2. Meenal Jain W/o Sharad Jain Aged About 34 Years R/o Pipariya, P. S. And Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.
3. Sushila Jain W/o Late Mangi Lal Jain Aged About 65 Years R/o Pipariya, P. S. And Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.
4. Ajay Jain S/o Mangi Lal Jain Aged About 39 Years R/o Turkaripara, Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants : Mr. T.K. Jha, Advocate.

For Respondent : Mrs. Smiti Jha, Panel Lawyer.

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

02/04/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.80/2019 registered at Police Station- Khairagarh, District- Rajnandgaon(C.G.), for the offence punishable under Sections 294,

323, 506, 34, 498-A of the Indian Penal Code (for short 'IPC').

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. All these applicants have separate residence from that of the co-accused and his wife the complainant. The marriage of co-accused Ashish Jain with complainant Bharti was an intercaste marriage, which was performed on 3.7.2018. Therefore, there was no reason to make any demand of dowry. The main allegation in the FIR is against the husband of the complainant, who is not an applicant in this application. Apart from that the only allegation in the FIR against these applicants is this, that while the co-accused Ashish Jain was abusing, threatening, assaulting and misbehaving with the complainant, none of these applicants came to her help, which does not amount to commission of any offence, therefore, these applicants be granted anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged by the complainant Bharti stating, that on the date of incident on 3.3.2019 her husband stating that the complainant has not brought any dowry abused her, threatened her and then assaulted her with hands causing injuries to her and also pointed a knife on her abdomen. The allegation against these applicants is this, that the applicants were present on the spot but they did not come to intervene or help the complainant. Hence, this case.
6. After considering the nature of the allegations against these applicants and the other facts and circumstances of this case, I feel inclined to

allow this application.

7. Accordingly, the anticipatory bail application of applicants is allowed and it is directed that in the event of their arrest 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. They shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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/their from disclosing such facts to the Court or to any police officer;
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they 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