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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 492 of 2019**

1. Ankita Agrawal W/o Shri Anurag Agrawal Aged About 27 Years R/o Naila Road, Janjgir, Police Station And Tahsil- Janjgir, Civil And Revenue District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Priyanka Sultaniya W/o Shri Nagesh Aged About 32 Years Caste- Agrawal, R/o Pendra, Police Station And Tahsil- Pendra, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Purushottam Agrawal S/o Late Goverdhan Agrawal Aged About 51 Years Caste- Agrawal, R/o Brijrajnagar, Police Station And Tahsil- Brijrajnagar, Civil And Revenue District- Brijrajnagar, Odisha., Orissa

---- 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 the Applicants : Shri Paras Mani Shriwas, Advocate.
For the Respondent/State : Smt. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.04.2019**

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. 73 of 2019, registered at Police Station – Baradwar, District Janjgir-Champa, Chhattisgarh for the offence punishable under Section 498(A), 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. The applicants are residents of different places and were not residing in Baradwar, District Janjgir-Champa where the incident has taken place. These applicants have been implicated in this case without any reason and no role has been played by these applicants in the alleged commission of offence. 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. It is submitted that the complainant has categorically made a statement against these applicants that they are the persons who tortured and subjected her to cruel treatment. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. The marriage of complainant – Ekta Agrawal with co-accused - Vikas Agrawal was performed on 20.2.2016. The complainant went to live in her matrimonial home which was a joint family, where some dispute arose. It is alleged that her husband and all the in-laws made demand of dowry and for the fulfillment of the same, subjected her to the cruel treatment and harassment. The complainant had earlier left her matrimonial home and was residing in her parental house. Then an agreement was arrived between her and her husband on 4.4.2018 and she again went to reside in her matrimonial home, where she found that the behaviour of her husband and

in-laws was not changed therefore, she left again her matrimonial home and lodged this FIR.

7. After considering the entire material present in the case-diary and perusing the documents filed alongwith the application, I am of the considered view that the present is a fit case where the applicants should 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 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