

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 547 of 2019**

1. Vishnu Singh Banafar, S/o. Shri Satyanarayan Singh Banafar, Aged About 55 Years,
2. Smt. Annpurna Singh Banafar, W/o. Shri Vishnu Singh Banafar, Aged About 52 Years
3. Vikas Singh Banafar, S/o. Shri Vishnu Singh Banafar, Aged About 32 Years,
R/o. Jhirnapodi, Police Station and Tahsil Pendraroad, District Bilaspur Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station - Gourela, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Yogendra Chaturvedi, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/04/2019**

1. Apprehending arrest in connection with Crime No.70/2019, registered at Police Station – Gourela, District – Bilaspur (C.G.) for offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. It is a case of simple matrimonial dispute between the applicants and the complainant. Because of this dispute, the complainant had left her matrimonial home after the month of June, 2018, then a compromise was arrived at between the parties and the complainant again came back to her matrimonial home, but she

could not adjust in the family of applicants and is living in her parental home. The complainant does not wish to live in village, where the applicants reside, therefore, she has lodged false FIR. The allegation made against the applicants are general in nature and there are chances of compromise in near future. Hence, for this reason, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Marriage of the applicant No.3 with the complainant Hema Singh took place on 17.06.2017. A dispute arose between the complainant and the applicants in the month of June, 2018. It is alleged that applicants were making demand of dowry and in that incident, the complainant was assaulted by her mother-in-law. The complainant then left her matrimonial home, but she came back after some compromise in police station, but again the behaviour of the applicants did not change, therefore, she has left her matrimonial home and lodged the FIR.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case diary, looking to the generality of the allegation and also the prospects of compromise and further keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8)

SCALE 313, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 each 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 them by the said Court till disposal of the trial.

Certified copy as per rules.

(Rajendra Chandra Singh Samant)
Judge