

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 552 of 2019

1. Premlata Agrawal W/o Late Girdhari Lal Agrawal Aged About 49 Years
R/o Main Road, Ward No. 10, Baradwar, Police Station-Baradwar,
Tahsil- Sakti, Civil and Revenue District- Janjgir-Champa,
Chhattisgarh.
2. Hemlata Agrawal, W/o Late Hari Prasad Agrawal, Aged About 60 Years
R/o Ward No.7, Baradwar, Police-Station-Baradwar, Tahsil Sakti, Civil
and Revenue District- Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police
Station Baradwar, Civil & Revenue District-Janjgir-Champa,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Parasmani Shriwas, Advocate.
For Respondent : Mrs. Smita Jha, Panel Lawyer.

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

26/04/2019

1. The applicants have preferred their bail application under Section 438
of Cr.P.C. apprehending his arrest in connection with Crime
No.73/2019 in Police Station-Baradwar, District Janjgir-Champa (C.G.),
for the offence punishable under Section 498(A), 34 of the Indian
Penal Code.
2. Learned counsel for applicants submits that applicants are innocent
and have been falsely implicated in this case. No case is made out for

commission of offence against the applicants. The complainant has made totally false allegation against these applicants whereas main accused in this case is her husband. It is infact a case of matrimonial dispute and there had been no demand of dowry and torture in this respect. Hence, it is prayed that he may be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the statement made by the complainant, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. It is alleged in FIR, that the marriage of complainant took place with co-accused on 20.2.2016. Soon after marriage, her husband and in-laws started torturing the complainant by saying that she has brought lesser items in dowry. It is alleged that husband of the complainant used to neglect her and would not make any expenditure in her medical treatment. The complainant delivered a child on 20.6.2018 and thereafter her husband and in-laws started misbehaving with her. The complainant left her matrimonial home on 18.12.2018. The complainant had earlier given a written complaint and subsequent to which both the parties appeared before the Family Counseling Centre for compromise but complainant could not continue with her matrimonial home and lodged FIR on 1.3.2019.
6. Considered on the entire material present in the case diary as co-accused persons namely-Ankita Agrawal, Priyanka Sultaniya & Purushottam Agrawal have been granted bail by this Court and case of these applicants also appears to be same, therefore, for this reason, I am of this opinion that this is a fit case where applicants should be

granted anticipatory bail.

7. 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 them/these 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