

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 553 of 2019**

1. Smt. Sahodra Bai (Wrongly typed in order as Sahondra Bai), W/o. Late Laxminarayan, Aged About 65 Years
2. Mukesh Kumar Bani, S/o. Late Laxminarayan, Aged About 34 Years,
Both R/o Village Bhutha, P.S. Malkharouda, District- Janjgir-Champa, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : S.H.O. P.S. Malkharouda, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Ravindra Sharma, Advocate
For Respondent/State	: Mr. Aaditya 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.87/2019, registered at Police Station – Malkharouda, District – Janjgir-Champa (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. No case is made out against the applicants on the basis of the material present in the case diary. The complainant has made general allegation against these applicants. Earlier interim bail had been granted to the applicant No.2 as he had to report on election duty. Notes of counseling procedure, which has been produced along with this application reveals that the complainant has in clear terms

laid down this condition that she will come back in her matrimonial home if her husband keeps her in a separate residence. The complainant has made totally false allegation against these applicants. 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. It is submitted that the complainant has made clear allegation regarding demand of dowry and cruel treatment given to her. Hence, the application be rejected.
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.2 with complainant Ruchi Sonkar took place on 28.11.2017. It is alleged in the FIR that while living in her matrimonial home, her husband and in-laws used to complain and taunt about the items of dowry given. Further they also demanded Rs.50,000/- cash from the complainant. Complainant has alleged that while she was pregnant, her pregnancy was aborted by the applicants by administering some substance to her, which was mixed in milk. Hence, this case.
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, the prospects of compromise and also considering the statement made by the complainant before family counseling center 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge