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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 570 of 2019**

Kamleshwar Patel S/o Chandrashekhar Patel Aged About 26 Years R/o Village Asonda Police Station And Tahsil Sakti District Janjgir Champa Chhattisgarh. At Present R/o Village Tilai Police Station Akaltara, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Sakti, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 632 Of 2019**

1. Chandrashekhar Patel S/o Parasnath Patel Aged About 55 Years R/o Village Asonda, Police Station And Tahsil Sakti, District Janjgir Champa Chhattisgarh. At Present Resident Of Village Tilai, Police Station Akaltara, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Rukhmani Patel W/o Chandrashekhar Patel Aged About 50 Years R/o Village Asonda, Police Station And Tahsil Sakti, District Janjgir Champa Chhattisgarh. At Present Resident Of Village Tilai, Police Station Akaltara, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Applicants**Vs**

State Of Chhattisgarh Through Police Station Sakti, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants : Shri Manoj Paranjpe, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.04.2019**

Heard.

1. Both these applications are being decided by this common order as they arise from the same incident. These are the first bail applications under

Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.148 of 2019 registered at Police Station – Sakti, District Janjgir-Champa, for the offence punishable under Sections 498A read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Applicant – Kamleshwar Patel in M.Cr.C.(A) No. 570 of 2019 is brother-in-law of the complainant whereas, applicants in M.Cr.C.(A) No. 632 of 2019 are the parents-in-law of the complainant. The fact is that the complainant was fascinated with co-accused – Ramkishore Patel and it was a case of one-sided love affair with him, the son of applicant No.1 – Chandrashekhar Patel in M.Cr.C.(A) No.632 of 2019 and brother of applicant – Kamleshwar Patel in M.Cr.C.(A) No.570 of 2019. When co-accused did not relent to her fascination, she attempted to commit suicide. Then, under the pressure given by the police officials, Ramkishore Patel had to marry the complainant and that marriage took place on 2.4.2017. The married life of the complainant and the co-accused Ramkishore Patel was not peaceful and the complainant used to misbehave and abuse her husband and in-laws. The husband of the complainant then filed a complaint to the police on 23.4.2018 on which the police issued a notice under Section 155 of the Cr.P.C. A repeat complaint was filed on 25.4.2018 before the Superintendent of Police on which no action has been taken. The allegation that the applicants used to torture the complainant for demand of dowry is totally false because it is falsified by the complaint on 23.6.2018 by the complainant in which she has stated that she was driven out from her matrimonial house by her husband, and there is no allegation

for demand of dowry. The Family Counseling Centre entertained that complaint, but the complainant did not appear because of which, the matter was dismissed. The mother-in-law of the complainant also filed a complaint under the Protection of Women from Domestic Violence Act, 2005 before the Court and the complainant was arrayed as non-applicant. Another development that has taken place is that Ramkishore Patel, the husband of the complainant has filed a petition before the Family Court for seeking relief to declare the marriage null and void therefore, as a counter-blast FIR has been lodged against the applicants belatedly on 23.3.2019. Hence, it is prayed that the applicants in both the cases are entitled for grant of anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that the specific allegation has been made against the applicants regarding demand of dowry and torture given to her. Hence, no case is made out for grant of anticipatory bail to the applicants.

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

5. According to the FIR lodged, soon after the marriage the applicants and the husband of the complainant were engaged in torturing the complainant for demand of dowry.

6. After considering the facts and circumstances of this case and also perusing all the documents filed alongwith the application in both the cases, I feel inclined to grant anticipatory bail to all the applicants in both the cases.

7. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in both the cases 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