

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 775 of 2019**

1. Ram Chandra Kesharwani, aged about 58 years, son of Dashrat Kesharwani
2. Smt. Sunita Kesharwani, aged about 50 years, wife of Shri Ramchandra Kesharwani.
3. Ku. Rashmi Kesharwani, aged about 22 years,

All resident of Gaurav Path Road near Pradeep Hotel, Balodabazar,
Distt. Balodabazar- Bhatapara (C.G.)

----Applicants

Versus

State of Chhattisgarh, through, Police Station City Kotwali, Balodabazar.

---Non-applicant

For Applicants	: Mr. Pragallabh Shrama, Advocate
For Respondent/State	: Ms. Sangeeta Mishra, PL

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

20/05/2019

(1) The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.770/2018 registered at police station City Kotwali, Balodabazar for the offence punishable under Sections 498A, 34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Protection Act.

(2) Case of the prosecution, in brief, is that marriage of complainant – Ashwani Kesharwani was solemnized with Rahul Kesharwani on 19.02.2017 and soon thereafter applicants, who are father-in-law, mother-in-law & sister-in-law of the complainant started harassing her in connection with demand of dowry and treated

her with cruelty and thereby committed the aforesaid offences.

(3) Counsel for the applicants submits that the applicants No. 1 & 2 are father-in-law & mother-in-law, respectively whereas applicant No. 3 is sister-in-law of the complainant and they have been falsely implicated in the crime in question as there is no evidence on record to connect the applicants with the crime in question and ,therefore, the applicants may be extended the benefit of Section 438 of the Code of Criminal Procedure.

(3) Per contra, counsel for the State opposes the bail application.

(4) Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, in particular the material available in the case diary and looking to the relationship between the parties, this Court is of the view that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:

(i) that the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required.

(ii) that the accused/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 accused/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 him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
V. Judge

D/-

