

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 767 of 2019

1. Shaila Singh, W/o Raj Bahadur Singh, Aged About 50 Years, R/o House No. 151/K, Rajive Nagar, Near Choudhari Dairy, Supela, Bhilai, District Durg Chhattisgarh.
2. Nand Kishor Singh, S/o Hanuman Singh, Aged About 47 Years R/o Hanuman Singh Camp -1, Adars Nagar, Near Hanuman Mandir, Bhilai District Durg Chhattisgarh.
3. Kamlesh Singh, S/o Hanuman Singh Aged About 44 Years R/o Hanuman Singh Camp -1, Adars Nagar, Near Hanuman Mandir, Bhilai District Durg Chhattisgarh.
4. Usha Singh, W/o Nand Kishor Singh Aged About 45 Years R/o Hanuman Singh Camp -1, Adars Nagar, Near Hanuman Mandir, Bhilai District Durg Chhattisgarh.
5. Indu Singh, W/o Kamlesh Singh Aged About 43 Years R/o Hanuman Singh Camp -1, Adars Nagar, Near Hanuman Mandir, Bhilai District Durg Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Chhavani, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate.
For Respondent/State : Mr. Lav Sharma, Panel Lawyer.

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

17/05/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.267/2019 registered at Police Station-Chhavani, District-Durg(C.G.), for the offence punishable under Sections 498A/34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. A totally false FIR has been lodged by the complainant against this applicant. On perusal of the complaint itself, it appears that the complainant has grievances that she was driven out of the house and there is no allegation regarding any misbehavior or cruel treatment against these applicants. All the applicants are cousin-in-law of the complainant, hence, it is prayed that application be allowed.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that clear and cogent statement has been made by the complainant against these applicants, hence, application be rejected.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, marriage of complainant Sandhya Singh with Shiv Bhushan Singh was performed in the year 2003. Husband of the complainant is missing since 2011. While she was residing in his matrimonial home, it is alleged that she was driven out of that house on 23.7.2018 by these applicants. Hence, this case.
6. After considering the entire material present in the case diary and looking to the nature of allegation that has been made against these applicants, I feel inclined to allow the bail application of these

applicants.

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 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge