

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 850 of 2019

1. Suraj Kumar, S/o Gore Lal Chauhan, Aged About 29 Years R/o Village Petphorwa, Police-Station-Baradwar, Tahsil Champa, District-Janjgir Champa, Chhattisgarh.
2. Gore Lal Chauhan, S/o Mahettar Lal, Aged About 52 Years, R/o Village Petphorwa, Police-Station Baradwar, Tahsil Champa, District-Janjgir Champa, Chhattisgarh.
3. Smt. Seema Bai, W/o Gore Lal Chauhan Aged About 50 Years R/o Village Petphorwa, Police-Station-Baradwar, Tahsil Champa, District-Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Baradwar, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicants : Mr. Deepak Kumar Gupta, Advocate.
For Respondent : Mr. Lav Sharma, PL.

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

21/06/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.269/2018 registered at Police Station-Baradwar, District-Janjgir-Champa(C.G.), for the offence punishable under Sections 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. The applicants have never made any demand of dowry or tortured the complainant for the same. The complainant herself is not willing to reside in her matrimonial home, which is reflected in the notes of counseling proceedings, hence, it is prayed that application be allowed.
3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that according to the statement given by the complainant, it is a clear cut case of cruelty, therefore, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged the marriage of complainant Arti Chauhan with applicant No.1 took place on 16.5.2016. Complainant left her matrimonial home on 15.5.2018 and, thereafter, filed a complaint on 20.5.2018 making allegations of cruel treatment and demand of dowry. In the counseling procedure, the parties were given time to think and make their statement with respect to compromise. The complainant then made statement, that she does not want any compromise. Hence, this case.
6. After considering the entire material present in the case diary and also keeping in view the law laid down by the Hon'ble Supreme Court in the matters of ***Arnesh Kumar vs. State of Bihar*** reported in **(2014) 8 SCC 273**, and ***Rajesh Sharma vs. State of Uttar Pradesh and Ors*** reported in **(2017) 8 SCALE 313**, I am of this opinion that applicants deserve to be benefited with grant of 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 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

Nisha