

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 919 of 2019

1. Smt. Anita Shrivastava W/o Shri Jay Prakash Shrivastava, Aged About 54 Years, R/o Ji Shyam Nagar, Near Collector Colony Kawardha Thana And Tahsil Kawardha, District Kabeerdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
2. Jay Prakash Shrivastava S/o Shri Bhanukankar Shrivastava, Aged About 58 Years, R/o Ji Shyam Nagar, Near Collector Colony Kawardha Thana And Tahsil Kawardha, District Kabeerdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
3. Sumit Shrivastava S/o Shri Jay Prakash Shrivastava, Aged About 26 Years, R/o Ji Shyam Nagar, Near Collector Colony Kawardha Thana And Tahsil Kawardha, District Kabeerdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kawardha Civil And Revenue District Kabeerdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicants – Shir Sumit Shrivastava, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-06-2019

1. Apprehending arrest in connection with Crime No.236/2019, registered at Police Station – Kawardha, District Kabeerdham, Chhattisgarh for offence punishable under Section 498(A)/34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. The complainant had never been willing to reside in the joint family, that is why, an agreement took place between the applicants and the complainant and her family members on 29-07-2018, in which the applicants and others had agreed that the complainant shall reside separately with her husband. A totally false FIR has been lodged in this case making false allegations against the applicants as for the reason that

the applicants are residing separately, there cannot be any occasion for them to ill-treat the complainant or make any demand of dowry. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the FIR lodged by the complainant against these applicants and others, soon after her marriage with co-accused Saurabh Shrivastava, her husband and in-laws started treating her with cruelty for fulfillment of dowry of Rs.5,00,000/-, because of which she was compelled to leave her matrimonial home and lodge the FIR on 18-05-2019.

6. Considering on the generality of the allegations and also statement that the applicants have separate residence from the residence of the complainant and her husband, I feel inclined to allow this application,

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every

date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil