

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 928 of 2019**

1. Nathuni Prasad Soni, S/o. Nagina Soni, Aged About 65 Years
2. Vimla Devi, W/o, Nathuni Prasad Soni, Aged About 60 Years
3. Pintu Kumar Soni, S/o. Nathuni Prasad Soni, Aged About 40 Years
4. Sunita Devi, W/o. Pintu Kumar Soni, Aged About 35 Years,
5. Avent @ Hemant Soni, S/o. Nathuni Prasad Soni, Aged About 25 Years,

All are R/o. New Area, Sheetla Mandir, Dalmiyanagar, Dehri, District Rohtash (Bihar).

----Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicants : Mr. D.N. Prajapati, Advocate

For Respondent/State : Mr. Aadil Minhaz, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/06/2019**

1. Apprehending arrest in connection with Crime No.253/2019, registered at Police Station – Kotwali, Ambikapur, District – Surguja (C.G.) for offence punishable under Section 294, 506, 498-A read with Section 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present on record. These applicants were not a party to the alleged commission of offence. All the allegation that have been made are very much general in nature. There is possibility of compromise in

this case. Therefore, it is prayed that this applicant may also be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The complainant Priyanka Soni has filed a complaint that soon after her marriage, her husband and in-laws tortured the complainant and treated her with cruelty by abusing her thrashing her and also on one occasion, they attempted to cause her death, thereafter, she started living in her parental house. Later on after social meeting, the complainant again went to reside in her matrimonial home, but the applicants and other continued with cruel treatment and made demand of Rs.2.00 lakhs in dowry. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, although there are allegation but there is possibility of compromise and resettlement of married life of the complainant and her husband, therefore, keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. 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 executing a personal bond in sum of Rs.25,000/- with one surety each 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 them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge