

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1251 of 2019**

1. Ashish Bhoi, S/o. Late Ashok Kumar Bhoi, Aged About 31 Years,
2. Smt. Ahilya Bhoi, W/o. Late Ashok Kumar Bhoi, Aged About 52 Years,

Both are R/o. Main Road Shakti Nagar, Capital Motor Driving,
Police Station Mova, Raipur, Tahsil and District Raipur
Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Station House Office, Police Station
Basna, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants	: Mr. Manoj Paranjpe, Advocate
For Respondent	: Mr. C.B. Kesharwani, P.L.
For Objector	: Mr. Shivendu Pandya, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/09/2019**

1. Apprehending arrest in connection with Crime No. 349/2019, registered at Police Station – Basna, District – Mahasamund (C.G.) for offence punishable under Section 498-A, 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 in the case diary. The marriage of the applicant No.1 with complainant took place on 04.05.2017, thereafter, because of some matrimonial dispute and misunderstanding, the complainant has left

the matrimonial home on 06.04.2019 after threatening the applicants that she will implicate the applicants in false case. The applicant No.1 filed an application under Section 9 of Hindi Marriage Act on 16.04.2019, subsequent to which as a counter blast, the FIR has been lodged. The applicant No.1 is employee in Canara Bank. The applicant No.2 is an aged woman. They have not committed any offence as alleged in the FIR. Therefore, it is prayed that the applicants may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is substance in the FIR lodged by the complainant, therefore, the application be rejected.
4. Counsel appearing on behalf of the objector adopts the argument advanced by the learned counsel for the State and submits that it is clear case of torture given to the complainant for demand of dowry. The complainant has immediately filed a complaint to the police on 09.04.2019 as soon as she left the matrimonial home, therefore, it can not be said that her complaint is the counter blast. Therefore, the application for grant of anticipatory bail be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the prosecution case, FIR has been lodged by the complainant alleging that soon after the marriage, the applicants expressed dissatisfaction with the dowry given. Thereafter, they made a demand of one Swift Car and cash of Rs.5.00 lakhs in dowry from the complainant for which she was tortured

continuously. Therefore, she had to leave her matrimonial home. Hence, this case.

7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary only for the reason that applicant No.2 is a woman, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant No.2. Whereas, looking to the evidence present against the applicant No.1, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant No.1.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. in respect of the applicant No.2 is allowed and in respect of the applicant No.1 is rejected.
9. It is directed that in the event of arrest of the applicant No.2 in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on 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. The applicant No.2 shall also abide by the following conditions :
 - (i) that the applicant No.2 shall make herself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant No.2 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 applicant No.2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicant No.2 shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram