

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1494 of 2019**

1. Pradeep Prasad Padhi, S/o. Shri Arjun Prasad Padhi, Aged About 40 Years, R/o. Village Titirgaon, Post Titirgaon Tehsil Jagdalpur, Police Station Parpa, District Bastar Chhattisgarh. Posted As Teacher At Govt. Higher Secondary School Sargipal, Block Bakavand District Bastar Chhattisgarh.
2. Rudraykhi Padhi, W/o. Shri Arjun Padhi, Aged About 62 Years, R/o Vilalge Titirgaon, Post Titirgaon Tehsil Jagdalpur, Police Station Parpa, District Bastar Chhattisgarh.
3. Shrinkhala Padhi, W/o. Shri Ghanshyam Prasad Padhi, Aged About 37 Years, R/o. Vilalge Titirgaon, Post Titirgaon Tehsil Jagdalpur, Police Station Parpa, District Bastar Chhattisgarh. Posted as Teacher At Govt. Janpad Primary School Titirgaon Block Jagdalpur, District Bastar Chhattisgarh.
4. Tulsi Joshi, W/o. Devendra Kumar Joshi, Aged About 38 Years, Village Bhataguda- Dharampura, Post / Chowki Dharampura, Police Station Kotwali, Tehsil Jagdalpur, District Bastar Chhattisgarh Posted As Teacher at Govt. Girls Higher Secondary School Bakwand Block Bakawand, District Bastar Chhattisgarh.
5. Smt. Kiran Panigrahi, W/o. Shri Mahendra Panigrahi, Aged About 34 Years, R/o. Village Bhataguda, Dharampura, Post/ Chowki Dharampura, Police Station Kotwali, Tehsil Jagdalpur, District Bastar Chhattisgarh. Posted as Teacher at Govt. Middle School, Chhparbhanpuri, Block Tokapal, District Bastar Chhattisgarh.

----Applicants**Versus**

State Of C.G., Through : Station House Officer, Police Station Parpa, District Bastar Chhattisgarh.

---- Respondent

For Applicants	: Mrs. Madhunisha Singh, Advocate
For Respondent	: Mr. Jitendra Shukl, P.I.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/10/2019**

1. Apprehending arrest in connection with Crime No.149/2019, registered at Police Station – Parpa, District – Bastar (C.G.) for

offence punishable under Section 498-A 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. Applicant No.1, 3, 4 & 5 are public servants working as teachers, whereas, the applicant No.2 is a house wife. No offence has been committed by them. The complainant in this case, who is wife of applicant No.1 had intention to live separate from the joint family because of which, she herself raised disputes on petty issues. Because of the interference by the brothers of the complainant, the incident occurred regarding which FIR was lodged by applicant No.1 against the brothers of the complainant. Copy of the same is annexed as Annexure A-2. Thereafter, the complainant, who was living separately gave threatening for falsely implicating the applicants because of which another complaint given on 07.08.2019. Thereafter, the applicant No.1 filed an application under Section 10 of Hindu Marriage Act praying for judicial separation from his wife, the complainant on 06.08.2019. Subsequent to which, as a counter blast, FIR was lodged on 10.08.2019 by the complainant, therefore, no case is made out against these applicants. Hence, it is prayed that they 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 clear evidence made by the complainant regarding demand of dowry and cruel treatment given to her by the applicants, which is sufficient evidence for commission of offence against these

applicants. Therefore, none of the applicants are entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, complainant has given a written complaint stating that her marriage with applicant No.1 was performed on 04.06.2015. Just after six months of the marriage, the complainant was treated with cruelty by her husband and thereafter, a demand of Rs.5.00 lakh was made from the father of the complainant, out of which Rs.3.00 lakh was paid to the applicants in installments. For the non-payment of remainder money, complainant was continuously subjected to cruel treatment and harassment. On 25.07.2019, the complainant was beaten by the applicants, as a result of which, her pregnancy of two months got aborted. Thereafter, she has given written complaint against them.
6. Considered the submissions made and the contents of the case diary. FIR has been lodged belatedly. The medical examination conducted upon the complainant does not show any injuries on her body. Further it is a case of matrimonial dispute, which may be resolved in future, therefore, keeping in view the guidelines laid down by the 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 applicants.

7. Accordingly, all 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