

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1509 of 2019

1. Yogesh Thakur S/o Shri Balram Singh Thakur Aged About 37 Years
R/o 48/824, Near Hanuman Mandir, Behind Nigam Colony, Amapara,
Raipur, Tahsil And District Raipur Chhattisgarh.
2. Ashish Thakur S/o Shri Balram Singh Thakur Aged About 30 Years
R/o 48/824, Near Hanuman Mandir, Behind Nigam Colony, Amapara,
Raipur, Tahsil And District Raipur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The District Magistrate Raipur,
District Raipur Chhattisgarh.

---- Respondent

For Applicants	: Ms. Aarti Chand Dutt, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/12/2019

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 11/2019, registered at Police Station Mahila Thana, Distt. Raipur (C.G.) for the offence punishable under Sections 498-A & 34 of the IPC.
2. The applicant no. 1 is the husband and applicant no. 2 is the brother-in-law of the complainant Swati. Marriage of the complainant was solemnized with applicant no. 1 on 27.04.2015. On 20.07.2019, complainant lodged a report in police station alleging therein that after the marriage applicants used to harass mentally and physically to the complainant on account of demand of dowry. On the basis of

said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. She further submits that the complainant herself does not want to live with applicant no. 1, in FIR, she admitted the fact that she herself started living separately from applicant no. 1 since 2016 and made false report against the applicants in the year 2019. The applicants are the reputed persons of their society and resident of above mentioned address. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that in FIR, the complainant admitted the fact that she herself started living separately from applicant no. 1 since 2016. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge