

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1593 of 2018

1. Rameshvar Prasad Patel S/o Late Ganesh Ram Patel, Aged About 60 Years, Caste Patel, R/o Parsadakala, Tahsil- Sakti, Police Station- Baradwar, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Smt. Sumitrabai Patel W/o Rameshvar Prasad Patel, Aged About 55 Years, Caste Patel, R/o Parsadakala, Tahsil- Sakti, Police Station- Baradwar, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Mordhavaj Patel S/o Rameshvar Patel, Aged About 25 Years, Caste Patel, R/o Parsadakala, Tahsil- Sakti, Police Station- Baradwar, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through District-Magistrate, Janjgir-Champa, Chhattisgarh. (Through Police Station- Baradwar, District- Janjgir-Champa, Chhattisgarh.), District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Deepak Kumar Singh, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Shri Ishwar Jaiswal, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-01-2019

1. Apprehending arrest in connection with Crime No.238/2018, registered at Police Station – Baradwar, District- Janjgir-Champa, 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. A totally false allegation has been made by the complainant against these applicants which is very general in nature. The complainant herself does not want to reside with her husband in her matrimonial home, therefore, she is finding excuses. In the conciliation proceeding the complainant has clearly refused to reside with her husband. Therefore, it is prayed that these applicants may be benefited with grant of

anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear evidence regarding demand of dowry against these applicants, hence, the application may be rejected.

4. Learned counsel for the objector submits that these applicants are named in the FIR as the persons who have subjected the complainant to cruel treatment for demand of dowry which could not be fulfilled and thus the complainant was driven out from her matrimonial house. Hence, the application may be rejected.

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

6. Marriage of complainant Khushbu Bai with co-accused Vedprakash was performed on 06-05-2017. It is alleged that soon after the marriage the applicants and co-accused started making demand of dowry of fridge, cooler and golden ornaments etc. from the complainant and ultimately she was driven out from her matrimonial home on 20-07-2017. The FIR has been lodged on 16-09-2018 on the basis of one undated written complaint. Hence, this case.

7. Considering on the entire material present in the case diary and also taking into consideration the result of the conciliation proceeding which is failed as the complainant herself has refused to go back to her matrimonial home and keeping in view the guidelines laid down by Hon'ble the Supreme Court in case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge