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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1625 of 2018**

1. Bhupesh Dewangaon S/o Shri Madanalal Dewangan Aged About 28 Years R/o House No. 50/11,ring Road No. 01 Jagdammba Colonybhatgaon ,police Station Tikrapara ,tahsil And Civil Revenue District And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Madan Lal Dewangaon S/o Late Shri Badrinath Dewangan Aged About 47 Years R/o House No. 50/11,ring Road No. 01 Jagdammba Colony Bhatgaon ,police Station Tikrapara ,tahsil And Civil Revenue District And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Smt. Lata Dewangaon W/o Shri Madan Lal Dewangan Aged About 44 Years R/o House No. 50/11,ring Road No. 01 Jagdammba Colony Bhatgaon ,police Station Tikrapara ,tahsil And Civil Revenue District And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Manoj Dewagaon S/o Shri Madan Lal Dewangan Aged About 24 Years R/o House No. 50/11,ring Road No. 01 Jagdammba Colony Bhatgaon ,police Station Tikrapara ,tahsil And Civil Revenue District And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Tikrapara District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants : Shri J.A. Lohani, Advocate.
 For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.01.2019**

Heard.

1. At the outset, learned counsel for the applicants seeks permission to withdraw the first bail application of applicant No.1 – Bhupesh Dewangaon.
2. Accordingly, the first bail application of applicant No.1 – Bhupesh Dewangaon is dismissed as withdrawn.

3. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to applicants No.2, 3 and 4 who are apprehending arrest in connection with Crime No. 513 of 2018, registered at Police Station – Tikrapara, District Raipur, Chhattisgarh for the offence punishable under Section 498(A)/ 34 of the Indian Penal Code.

4. It is submitted by counsel for the applicants that applicants No.2, 3 and 4 have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. The general allegation has been made by the complainant against the applicants and according to her complaint, she had main grievance with her husband i.e. applicant No.1 – Bhupesh Dewangaon. Hence, it is prayed that applicants No.2, 3 and 4 be benefited with grant of anticipatory bail.

5. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is evidence about participation of these applicants in the torture and cruel treatment given to complainant – Smt. Rashmi Dewangaon. Hence, no case is made out for grant of anticipatory bail to applicants No.2, 3 and 4.

6. Heard counsel for both the parties and perused the case diary.

7. Marriage of applicant No.1 – Bhupesh Dewangaon with complainant – Smt. Rashmi Dewangaon was performed on 8.12.2016. Subsequent to which, when she was residing in her matrimonial home she was tortured by

her husband and in-laws for the reason that the car was not gifted in dowry to the applicants. It is alleged that applicant No.1 is a gambler, who continuously used to demand money from his in-laws i.e. parents of the complainant and that demand was met with on some occasions even then, the complainant was driven out from her matrimonial home. Hence, this case.

8. Considered the entire material of the case-diary. Looking to the general nature of allegation against applicants No.2, 3 and 4, I am of the considered view that the present is a fit case where applicants No.2, 3 and 4 should be benefited with grant of anticipatory bail.

9. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of applicants No.2, 3 and 4 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 in the like sum to the satisfaction of the concerned Investigating Officer. Applicants No.2, 3 and 4 shall also abide by the following conditions:

- '(i) that applicants No.2, 3 and 4 shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that applicants No.2, 3 and 4 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that applicants No.2, 3 and 4 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that applicants No.2, 3 and 4 shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi