

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1671 of 2018

1. Suresh Kumar Jain S/o Late Shri Bhavar Lalji Bohra aged about 59 Years R/o D.348 Sector 5, Tagore Nagar Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Smt. Kanchan Jain W/o Shri Suresh Kumar Jain aged about 54 Years R/o D.348 Sector 5, Tagore Nagar Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Mahila Thana Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicants : Mr. Abhyuday Singh, Advocate.
For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/01/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.38/2018 registered at Police Station-Mahila Thana, District – Raipur(C.G.), for the offence punishable under Sections 498-A & 34 of Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. The complainant has made an issue of petty dispute in the family as she is the only daughter of her parents, she wants her husband to live with her in her parental

home, which is the real cause. Earlier the complainant herself had left the matrimonial home and sent a legal notice dated 12.7.2018 to the applicants, a copy of which has also been annexed with this application in which there is no whisper about any demand of dowry and with intent to pressurize the applicants she has lodged this false complaint. Hence, it is prayed that these applicants may be enlarged on anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that clear allegation regarding demand of dowry by way of cash and subjecting the complainant to cruel treatment has been made, therefore, application be rejected.
4. Heard both the parties and perused the case diary.
5. Marriage of co-accused Ritesh Bohra with complainant Purvi Bohra was performed on 1.7.2014 and out of their wedlock, one child was born. In written complaint given on 3.5.2018 in the police-station the complainant has made allegation against her husband and in-laws that they were treating her with cruelty and demanding cash of Rs.5 Lakhs as dowry.
6. Perused the evidence present in the case diary and also the documents filed along with the application particularly the notice dated 12.7.2018 sent by the complainant to her husband in which though she has mentioned about the petty disputes and harassment meted out to her, but there is no such statement as to any demand of dowry made to her.
7. Considering the entire material and circumstances of this case and also keeping in view the law laid down by the Hon'ble Supreme Court

in the matters of ***Arnesh Kumar vs. State of Bihar*** reported in **(2014) 8 SCC 273**, and ***Rajesh Sharma vs. State of Uttar Pradesh and Ors*** reported in **(2017) 8 SCALE 313**, I am of this opinion that applicants deserves to be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 their executing a personal bond in the sum of Rs.25,000/- each with one surety 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge