

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1660 of 2018**

1. Ganesh Yadav, S/o. Natwar Yadav, Aged About 28 Years,
  2. Natwar Yadav, S/o. Ganga Ram, Aged About 55 Years,
  3. Lalit Kumar Yadav, S/o. Ganga Ram, Aged About 40 Years,
- All By Caste Mahkul, R/o. Deldabba, Ghughari, Police Station Bagicha,  
District Jashpur Chhattisgarh.

**----Applicants****Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station  
Bagicha, District Jashpur Chhattisgarh.

**---- Respondent**


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| For Applicants       | : Mr. Ashish Gupta, Advocate            |
| For Respondent/State | : Mr. Vijay Bahadur Singh, Panel Lawyer |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****07/01/2019**

1. Apprehending arrest in connection with Crime No.158/2018, registered at Police Station – Bagicha, District – Jashpur (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. No case is made out against the applicant on the basis of the material present in the case-diary. General allegation has been made by the complainant against the applicants. It is submitted that similarly

placed co-accused persons namely Jagdish Yadav, Gulab Bai and Kalawati Yadav have been released on anticipatory bail. Hence, for this reason, it is prayed that the applicants may be enlarged on 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 evidence shows that clear allegation is made against the applicants and other regarding demand of dowry from the complainant and cruel treatment given to her. Hence, no case is made out 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. Marriage of the complainant Sumitra Yadav with applicant No.1 was performed on 26.03.2017. It is alleged that the applicant and others showed dissatisfaction with respect to the dowry given and were making demand of fridge, T.V and Rs.5.00 lakhs from the complainant for which they also subjected her to cruel treatment. Complainant left her matrimonial home on 19.08.2018 and has filed a written complaint on 28.08.2018 and on the basis of which, FIR has been lodged on 09.10.2018.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Armesh 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, 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