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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1658 of 2018**

1. Smt. Pramila Tiwari, W/o. Shri Guptanand Tiwari, Aged About 57 Years, R/o. Quarter No. 937, Street No. 17, Shanti Nagar Mahadev Colony, Bhilai, Thana Supela, Tahsil and District Durg Chhattisgarh.
2. Smt. Pooja Tiwari, W/o. Shri Vikash Tiwari, Aged About 30 Years, R/o. EWS 1932, Housing Board Bhilai, Thana Jamul, Tahsil and District Durg Chhattisgarh.

----Applicants**Versus**

The State Of Chhattisgarh, Through : District Magistrate, Police Station Mahila Thana, Tahsil and District Durg Chhattisgarh.

---- Respondent

For Applicants	: Mr. Samir Singh, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer
For Objector	: Mr. Tridib Bhattacharya, Advocate

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

1. Apprehending arrest in connection with Crime No.20/2018, registered at Police Station – Mahila Thana, District – Durg (C.G.) for offence punishable under Section 498-A/34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act, 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 applicants on the basis of the material present in the case-diary. The fact is this that the husband of the complainant has eloped with some other girl and because of that grievance, the complainant has made totally false allegation against the applicants. These applicants were never a party to the said offence, which is alleged to have been committed. 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 according to the evidence collected, these applicants along with others subjected the complainant to cruel treatment for the reason that there was a demand of dowry by way of cash Rs.2.00 lakhs. Hence, no case is made out for grant of anticipatory bail.
4. Counsel for the objector after adopting the arguments advanced by the learned State counsel submits that the complainant has made specific allegation against these applicants regarding participation in the commission of crime, therefore, they may not be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Marriage of the complainant Nisha Tiwari was performed with co-accused Ranvijay Tiwari on 07.02.2018. It is alleged that this applicant along with other co-accused persons treated the complainant with cruel treatment for demand of dowry. Ranvijay Tiwari eloped with some other women, hence, complaint has been

filed by the victim on 10.08.2018, which was enquired and on that basis FIR has been lodged on 23.11.2018.

7. 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 *Arnesh 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.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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

Balram