

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1730 of 2018

1. Kaju Yadav S/o Shri Munilal Aged About 23 Years R/o Village Bardhodhi, P.S. Ambikapur, District Surguja Chhattisgarh.
2. Baleshwar Yadav, S/o Shri Munilal Yadav, Aged About 30 Years R/o Village Bardhodhi, P.S. Ambikapur, District Surguja Chhattisgarh..
3. Munilal Yadav, S/o Ramsundar Yadav, Aged About 55 Years R/o Village Bardhodhi, P.S. Ambikapur, District Surguja Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, P.S. Lakhanpur, District-Surguja, Chhattisgarh.

---- Respondent

For Applicants : Mr. C. Jayant K. Rao, Advocate.
For Respondent : Mrs.Smita Jha, Panel Lawyer.
For Objector ; Mr. Vivek Bhatka, Advoate.

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

25/02/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.80/2018 registered at Police Station-Lakhanpur, District – Surguja (C.G.), for the offence punishable under Sections 3, 4 of Dowry Prohibition Act.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. The marriage of

applicant No.1 was settled with grand-daughter of the complainant which was never solemnized and no demand of dowry was made by the applicants. The elders of Yadav Samaj have also written a panchnama in this respect that the complainant party is in the habit of making such type of complaints. Applicants No.1 & 2 are police constables and their career will be affected in case they are arrested. Therefore, it is prayed that the 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 a clear case under the provisions of Section 4 of the Dowry Prohibition Act is made out against the applicants, which is a non-bailable offence and therefore their application is liable to be rejected.
4. Learned counsel for the Objector adopted the arguments advanced by State counsel and submitted that the during the marriage negotiation firstly there was a demand of Bullet Motorcycle which was increased to Alto 800 Car and thereafter to a Scorpio vehicle and when the complainant showed his inability to fulfill the said demand, the marriage of his grand-daughter could not be solemnized and he had to suffer huge humiliation, therefore, the application be rejected.
5. Heard both the parties and perused the case diary.
6. The case against the applicants is briefly discussed herein above. There are evidence in the case diary making out a clear-cut case of demand of dowry. Though, a crime is an offence against society, but considering the fact that applicants No.1 & 2 are police Constables and the trial will determine whether the offence as alleged has been committed by these applicants or not, therefore, for the present, I am

of this opinion that applicants deserves to be benefited with grant of anticipatory bail..

7. 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