

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1740 of 2018**

1. Prafoolanand Dubey, S/o. Birendra Kumar Dubey, Aged About 32 Years,
  2. Birendra Kumar Dubey, S/o. Late Nandeshwar Dubey, Aged About 57 Years,
- Both R/o. Kenaband Ambikapur, Thana and Tahsil Ambikapur, District Sarguja Chhattisgarh.

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

State Of Chhattisgarh, Through : Station Mahila Thana, Ambikapur, District Sarguja Chhattisgarh.

**---- Respondent**


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| For Applicants       | : Mr. Mateen Siddiqui, Advocate |
| For Respondent/State | : Mrs. Madhunisha Singh, P.L.   |
| For Objector         | : Mr. Achyut Tiwari, Advocate   |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****18/01/2019**

1. Apprehending arrest in connection with Crime No.24/2018, registered at Police Station – Mahila Thana Ambikapur, District – Surguja (C.G.) for offence punishable under Section 498-A read with Section 34, 506 & 354 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 applicants on the basis of the material present in the case diary. Totally false allegation has been made by the complainant. According to the statement given by the complainant herself, she has stayed only a brief period in her matrimonial home, therefore, the allegation itself becomes falsified.

Therefore, under these circumstances, 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 present in this case, no case is made out for grant of anticipatory bail.
4. Complainant is present in person before this Court along with the counsel. The application and the submission made on behalf of the applicants are opposed vehemently. It is submitted that just after a month of marriage, the complainant was driven out of her matrimonial home for the reasons that demand of dowry could not be met with. There is allegation that the applicant No.1 has outraged the modesty of the complainant. The complainant is continuously being threatened through phone calls and messages. Therefore, it is prayed that the application be rejected.
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 co-accused Nilesh Kumar Dubey was performed with the complainant Ruchi Dubey on 13.02.2017. It is stated that at the time of Tilak cash of Rs.6.00 lakhs and one Maruti car valued of R.4.00 lakhs was agreed to be given and cheque of Rs.50,000/- was given in advance, which was dishonored. Later on after performance of marriage, the complainant was subjected to cruel treatment by these applicants and her husband for demand of dowry, whereas her father has made payment for catering services and marriage hall and also for the purchase of car in dowry. It was alleged that jeweleries of the complainant were taken away from

her by her in-laws. Making these allegation, complaint was filed on 28.11.2018.

7. Considered the submissions made and the contents of the case diary. It is a case of serious matrimonial dispute. Hence, 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