

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 115 of 2019

1. Shyamnarayan Bharewa, S/o Shivnarayan Bharewa, aged about 26 Years, R/o Caste Bhar, R/o Banjaritikra, Tilora, Police Chowki- Kotmi, Police Station Pendra, Disrtict- Bilaspur, Chhattisgarh.
2. Shivnarayan Bharewa S/o Gaurilal Bharewa, aged about 50 Years R/o Caste Bhar, R/o Banjaritikra, Tilora, Police Chowki- Kotmi, Police Station Pendra, Disrtict- Bilaspur, Chhattisgarh.
3. Sukmat Bharewa W/o Shivnarayan Bharewa, aged about 49 Years R/o Caste Bhar, R/o Banjaritikra, Tilora, Police Chowki- Kotmi, Police Station Pendra, Disrtict- Bilaspur, Chhattisgarh.
4. Jethuram Bharewa S/o Lachchuram Bharewa Aged About 35 Years R/o Caste Bhar, R/o Banjaritikra, Tilora, Police Chowki- Kotmi, Police Station Pendra, Disrtict- Bilaspur, Chhattisgarh.
5. Bimlabai Bharewa W/o Jethuram Bharewa, aged about 32 Years R/o Caste Bhar, R/o Banjaritikra, Tilora, Police Chowki- Kotmi, Police Station Pendra, Disrtict- Bilaspur, Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through Police Chowki Kotmi, Police Station- Pendra, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Yogendra Chaturvedi, Advocate.
For Respondent : Mrs. Madhunisha Singh, PL.

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

21/02/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.342/2018 registered at Police Station- Pendra, District – Bilaspur(C.G.), for the offence punishable under Sections 498A, 506 & 34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against the applicants. The applicants have neither given any torture nor subjected the complainant to cruel treatment. A totally false FIR has been lodged against these applicants, who happen to be the husband and in-laws of the complainant, with intent to harass them only. Hence, it is prayed that applicants may be released on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the evidence collected by the prosecution during investigation, the applicants are not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Marriage of complainant Rameshwari was solemnized with applicant No.1 on 29.5.2017 and out of their wedlock, a female child was born on 4.6.2018. It is alleged that after the birth of this child, the applicants started treating the complainant with cruelty only for the reason that she gave birth to a female child. Therefore, on 28.9.2018 FIR has been lodged by the complainant against these applicants.
6. On overall consideration of the material present in the case diary and 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 deserve 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

Nisha