

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1743 of 2018**

1. Prahalad Prasad Swarnkar S/o Late Shri Govind Prasad Swarnkar Aged About 69 Years , District : Durg, Chhattisgarh
2. Ku. Madhulika Swarnkar D/o Prahalad Prasad Swarnkar Aged About 34 Years R/o Bazarpara Dhamdha, District Durg Chhattisgarh., District : Durg, Chhattisgarh
3. Prakash Kumar Swarnkar S/o Late Govind Prasad Swarnkar Aged About 58 Years R/o Road-80, Sector-06, Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through District Magistrate, Kabirdham, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Respondent

For the Applicants : Ms. Saumya Sharma, Advocate.
 For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.01.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 615 of 2018, registered at Police Station – Kawardha, District Kabirdham, Chhattisgarh for the offence punishable under Sections 498A, 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants

on the basis of the material placed before the Court by the prosecution. The complainant is wife of the son of applicant No.1 – Prahalad Prasad Swarnkar who resided only for 7 days in her matrimonial home since the date of her marriage i.e. 15.7.2018. Because of some dispute that took place, the complainant has left her matrimonial home and she is residing in her parental house. The delayed FIR is lodged on 2.12.2018 and the allegation that has been made is totally improbable. Applicant No.1 – Prahalad Prasad Swarnkar is father-in-law, applicant No.2 – Ku. Madhulika Swarnkar is sister-in-law and applicant No.3 – Prakash Kumar Swarnkar is uncle-in-law of the complainant. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the allegations made in the FIR no case is made out for grant of regular bail to the applicants.

5. Heard counsel for both the parties and perused the case diary.

6. The marriage of the complainant was performed with son of applicant No.1 on 15.7.2018. It is alleged that soon after the marriage, her husband and in-laws started making demand of a Car and dowry because of which, a dispute arose and the complainant left her matrimonial home just after 7 days of her marriage. Hence, this case.

7. Considered the entire material present in the case-diary. It is a matrimonial dispute and there may be chance of settlement. Hence, under these circumstances, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

8. 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 executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They 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 them 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