

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 125 of 2019

1. Pawan Kumar Sahu S/o Babulal Sahu Aged About 29 Years R/o Village Budeli, Police Station-Baramkela, District Raigarh Chhattisgarh.
2. Mamta Sahu W/o Mahesh Sahu Aged About 32 Years R/o Village Budeli Police Station Baramkela, District-Raigarh Chhattisgarh.
3. Mahesh Sahu S/o Babulal Sahu Aged About 34 Years R/o Village Budeli Police Station Baramkela, District Raigarh Chhattisgarh.
4. Sarita Sahu D/o Babulal Sahu Aged About 35 Years R/o Village Gudhiyary Tahsil Sarangarh, District-Raigarh Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Incharge Mahila Thana, Kondagaon, District-Kondagaon Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate.
For Respondent : Mrs.Smita Jha, Panel Lawyer.

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

22/02/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.33304007180156 registered at Police Station-Kondagaon, District – Kondagaon(C.G.), for the offence punishable under Sections 498-A/34 of the IPC.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against these applicants. Complainant has lodged FIR making false allegation against the applicants. These applicants have never made any demand. On the contrary, the complainant never wanted to reside in his matrimonial home, therefore, she has left the applicants home. Applicants are hopeful that there may be a settlement with the complainant, therefore, it is prayed that they may be granted anticipatory bail.
3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear allegation regarding torturing the complainant for demand of dowry, hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. Marriage of applicant No.1 with complainant Bindu Sahu was performed on 27.4.2015. It is alleged that while her stay in the matrimonial home, she was continuously tortured by the applicants making demand of money on various pretext because of which she was compelled to leave her matrimonial home. Hence, this case.
6. After considering on the entire material present in the case diary and also 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 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