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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 135 of 2019**

1. Narendra Kumar Shrivastava S/o Samaylal Aged About 32 Years R/o Sector 71b Block No 113, Noda District- Ghatampur, Dehli., Delhi
2. Samaylal Shrivastava S/o Late Premalal Aged About 58 Years R/o Jamuna Colliery Infront Of Utkal School, Thana- Bhalumada, District- Anoopur, Chhattisgarh., District : Anuppur, Madhya Pradesh
3. Smt. Laxmi Devi W/o Samaylal Aged About 55 Years R/o Jamuna Colliery Infront Of Utkal School, Thana- Bhalumada, District- Anoopur, Chhattisgarh., District : Anuppur, Madhya Pradesh
4. Virendra Kumar Shrivastava S/o Samaylal Aged About 27 Years R/o Govt. Hospital, Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
5. Smt. Neesha Shrivastava W/o Ashwani Aged About 25 Years R/o Rahod, Thana- Shivrinarayan, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
6. Vangilal Shrivastava @ Dindyal S/o Late Premalal Aged About 63 Years R/o Hasod, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through In-Charge, Police Station- Hasod, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Kishore Bharat and Shri Naveen Tiwari, Advocates.
For the Respondent/State	:	Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.02.2019**

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. 220 of 2018,

registered at Police Station – Hasod, Chhattisgarh for the offence punishable under Section 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. Complainant – Jaishri Shrivastava has lodged totally false FIR against these applicants. She has filed an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 in which she has not arrayed applicant No.6 as a party. In her statement before the Counseling Centre, she has named only her husband and in-laws, which shows that the case is being developed by the passing of time. The mother of the complainant is a legal practitioner therefore, a concocted written complaint was filed, on the basis of which, FIR was lodged. 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 according to the FIR lodged all the applicants have participated in treating with cruelty the complainant for demand of dowry and there is allegation against the husband/ applicant No.1 that he used to subject the complainant to unnatural sexual intercourse. Hence, no case is made for grant of anticipatory bail to the applicants.

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

6. Marriage of complainant – Jaishree Shrivastava with applicant No.1 –

Narendra Kumar Shrivastava took place in the year 2015. It is alleged that while residing in her matrimonial home her husband and in-laws used to torture her by complaining that she has not brought sufficient dowry and she was misbehaved in various manners. There is allegation that applicant No.1 had unnatural sexual intercourse with her despite her protest by putting her under threat and also by assaulting her. Hence, this case.

7. After considering the entire material present in the case-diary, I do not feel inclined to grant bail to applicant No.1 – Narendra Kumar Shrivastava however, in the matter of rest of the applicants, the allegation appears to be of general in nature, therefore, keeping in view the observations made by the Supreme Court in the cases of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, I feel inclined to grant anticipatory bail to applicants No.2 to 6.

8. Accordingly, the anticipatory bail application of applicants No.2 to 6 is allowed and it is directed that in the event of arrest of applicants No.2 to 6 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 applicants No.2 to 6 shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that applicants No.2 to 6 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 applicants No.2 to 6 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicants No.2 to 6 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