

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 453 of 2020

1. Chandrashekhar @ Banti S/o Ram Narayan Jaiswal Aged About 25 Years R/o Harratikara (Keshavpur), Police Station And Tahsil Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Pappu Choudhari S/o Late Birju Choudhari Aged About 52 Years R/o Bilaspur Road, Ward No. 46, Police Station And Tahsil Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Chowki Manipur, Police Station Ambikapur, District Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicants	:	Shri Sumit Singh Rathod, Advocate
For State	:	Shri Anand Verma, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

01/07/2020

Heard.

1. The applicants have filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as they are apprehending their arrest in connection with Crime No. 107/2020, registered at Police Chowki- Manipur, Police Station- Ambikapur, District- Surguja (CG) for the offence punishable under Sections 3 & 4 of the Dowry Prohibition Act.
2. Case of the prosecution, in brief, is that the marriage of applicant No.1 Chandrashekhar @ Banti was settled with daughter of complainant namely Saniya. It is alleged that marriage was to be solemnized on 25.2.2020 but the applicant and other co-accused demanded money and also obtained Rs.3 lakhs, but they increased their demand to Rs.5 lakhs and a motorcycle

and as that demand could not be fulfilled, marriage was refused.

3. Learned counsel appearing for the applicant would submit that allegation against the applicant are exaggerated. He submits that though marriage could not be solemnized and was broken for some reason, the reason assigned by the complainant is false. It is next submitted that as far as applicant No.2 is concerned, he is the brother of applicant No.1 with whom marriage is alleged to have been settled. Learned counsel for the applicant further submits that as the marriage of the applicant No.1 could not be settled with the complainant's daughter as applicant No.1 married on 12.2.2020 with another girl, out of disgust, false complaint has been lodged. He further submits that co-accused Ramnarayan Choudhari and Smt. Ratani Devi, parents of the applicant, have been granted anticipatory bail vide order dated 30.06.2020 passed in MCRC No. 426 of 2020 mainly on the ground that in the bail application before the Court below, the complainant/father of the girl, has stated no objection.
4. Per contra, learned counsel appearing for the State opposed the bail application. He submits that in view of the report lodged, prima facie case of demand of dowry is made out. Therefore, at this stage, the applicants are not entitled to grant of anticipatory bail.
5. Having considered the submissions of learned counsel for the parties, taking into consideration the nature of allegation and that the report was lodged only after applicant No.1- Chandrashekhar married with another girl and further taking into consideration that co-accused Ramnarayan Choudhari and Smt. Ratani Devi both have been granted anticipatory bail vide order dated 30.06.2020 passed in MCRC No. 426 of 2020 taking into consideration that no objection was given, present application is also allowed.
6. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:-
 - (i) the applicants shall make themselves available for interrogation by the police officer as and when

required;

(ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen