

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 514 of 2020

1. Bhupesh Kumar Sahu S/o Mr. Dilip Kumar Sahu Aged About 30 Years R/o Village Bhothli, Block And Police Station Gurur, District- Balod, Chhattisgarh.
2. Kileshwari Sahu D/o Dilip Kumar Sahu Aged About 25 Years R/o Village Bhothli, Block And Police Station Gurur, District- Balod, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Gurur, District- Balod, Chhattisgarh.

---- Respondent

AND

MCRCA No. 616 of 2020

Smt. Suneti Bai Sahu W/o Shri Dilip Kumar Sahu Aged About 50 Years R/o Village Bhothli Police Station Gurur, District Balod Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Gurur, District Balod Chhattisgarh

---- Respondent

For Applicants (in MCRCA No. 514/2020): Mr. Shikhar Sharma, Advocate.

For Applicant (in MCRCA No. 616/2020) : Mr. Avinash Chand Sahu, Advocate.

For Respondent/State : Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

29/06/2020

1. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 76/2020, registered at Police Station Gurur, District Balod (C.G.) for the offence punishable under Sections 498-A, 34 of the IPC.
2. In this case Applicants No. 1 & 2 (in MCRCA No. 514/2020) are the

husband and sister-in-law of the complainant and the applicant (in MCRCA No. 616/2020) is the mother-in-law of the complainant. According to the case of prosecution, marriage between Applicant No. 1 Bhupesh Kumar Sahu and the complainant was solemnized on 28.04.2018. On 10.02.2020, the complainant lodged a report against the applicants alleging therein that after the marriage, the applicants came to know the fact that she is suffering from sickling disease, on which they used to taunt her and also tortured her on account of demand of dowry. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated in the present case. Only general allegations have been made against them. They further submit that the complainant herself does not want to live with the applicants and due to some dispute with them, the complainant herself left her in-laws house and lodged a false and fabricated report against them. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail applications are allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge