

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 791 of 2020

1. Avinash Mahant S/o Churavan Das Mahant Aged About 28 Years, R/o Aajad Chouk, Aaramashin Ward No. 20 Korba, Tahsil And District Korba, Chhattisgarh
2. Smt. Godavari Bai W/o Churavan Das Mahant Aged About 49 Years, R/o Aajad Chouk, Aaramashin Ward No. 20 Korba, Tahsil And District Korba, Chhattisgarh
3. Narendra Das S/o Churavan Das Mahant Aged About 25 Years, R/o Aajad Chouk, Aaramashin Ward No. 20 Korba, Tahsil And District Korba, Chhattisgarh
4. Shyam Das @ Hemant Das S/o Churavan Das Mahant Aged About 22 Years, R/o Aajad Chouk, Aaramashin Ward No. 20 Korba, Tahsil And District Korba, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Chouki Rampur, Police Station
Kotwali, District Korba, Chhattisgarh

---- Respondent

For Applicants	: Mr. Vikas Pandey, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

14.08.2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No. 498/2020, registered at Police Station: Kotwali, District-Korba (C.G.) for the offence punishable under Section 498-A read with 34 of IPC.
2. Learned counsel appearing on behalf of the Applicants submits that he wants to withdraw the instant application with regard to Applicant No.1 & 2. However, he prays that in the event of filing of bail application u/s 439 of Cr.P.C. on behalf of the Applicant No.1 & 2., the Trial Court may be directed to decide the said application in accordance with law, as early as possible, probably, on the same date of its filing.

3. In view of the above submission, the instant application is dismissed as withdrawn.
4. However, the Trial Court is directed that in the event of surrender of the Applicant No.1 & 2 before the Trial Court and filing of bail application on their behalf, the Trial Court shall decide the said application in accordance with law, as early as possible, probably, on the same date of its filing.
5. In this case Applicant No.03 & 04 are the Brothers-in-law (*Devar*) of the complainant. Marriage between complainant and Applicant No.01 solemnized in the year 2016. On 28.05.2020, report has been lodged by the complainant stating therein that the Applicant No.1 & 2 tortured the complainant on demand of dowry and also committed *Maar-peet* with her on several occasions. Allegations against the Applicant No.3 & 4 is that they misbehaved with the complainant during that period. On the basis of said, offence has been registered.
6. Learned counsel appearing on behalf of the applicants submits that the applicants are falsely implicated in the present case. He submits that the main allegations are against the Applicant No.1 & 2 therefore, Prima Face, no case is made out against the Applicant No.3 & 4, therefore, he prays for grant of anticipatory bail to the Applicant No.3 & 4.
7. Per contra, learned counsel appearing on behalf of State opposes the bail application.
8. I have heard learned Counsel for the parties.
9. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and particularly considering that main allegations are against Applicant No.1 & 2, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant No.3 & 4.
10. Accordingly, the anticipatory bail application is allowed with regard to Applicant No.3 & 4.
11. It is directed that in the event of arrest, the applicant No.3 & 4 shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one 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 the accused/applicant No.3 & 4 shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicant No.3 & 4 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/applicant No.3 & 4 shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant No.3 & 4 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