

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1685 of 2019**

1. Abdul Aziz S/o. Shri Abdul Mazid Aged About 30 Years By Caste- Muslim, Occupation-Driver, R/o Village-Pondi (Chirmiri), P.S.- Pondi, Tahsil - Chirmiri, District- Korea, Chhattisgarh.
2. Abdul Mazid S/o Shri Abdul Hameed, Aged About 62 Years By Caste- Muslim, Occupation- Unemployed, R/o Village-Lakhanpur, P.S. and Tahsil- Lakhanpur- Surguja, Chhattisgarh.
3. Smt. Sayra Bano W/o. Shri Abdul Mazid Aged About 58 Years By Caste- Muslim, Occupation, P.S. and Tahsil- Lakhanpur- Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Lakhanpur, District-Surguja, Chhattisgarh.

---- Respondent

For Applicants	: Shri Sunil Sahu, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****14/01/2020**

1. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 58/2019 registered at Police Station Lakhanpur, District – Surguja, (C.G.) for the offence punishable under Sections 498-A/34 of Indian Penal Code.
2. As per the prosecution story, applicant No. 1 is the husband of complainant Najiya Yasmin. Applicant No. 2 & 3 are the father-in-law and mother-in-law of the complainant respectively. Marriage between applicant and complainant was solemnized on 15.09.2016. On 04.04.2019, F.I.R. has been lodged by the complainant alleging

therein that after the marriage all the applicants used to harass and torture her on account of demand of dowry. Earlier in May, 2017 also, complainant made a complaint regarding the same, thereafter, counseling was performed between both parties and thereafter, applicant No. 1 took her to his house. Again on 24.03.2019, applicants ousted the complainant from her house. Thereafter, report was lodged by the complainant and on the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that only general allegations have been made by the complainant against all the applicants. Also, there is delay in lodging the F.I.R. Thus, *prima facie*, no case can be made out against present applicants. Therefore, it is prayed that present applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, there is sufficient evidence available against applicant No. 1, therefore, I am not inclined to extend the benefit of anticipatory bail to the applicant No.1. With regard to applicant No. 2 & 3, only general allegations have been leveled against them, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to applicant No. 2 & 3.
7. Accordingly, the anticipatory bail application is partly allowed.
8. However, liberty is granted to applicant No. 1 that in the event of surrender of the applicant No. 1 before the trial Court and filing of the regular bail application on his behalf, trial Court is directed to decide

the bail application of applicant No. 1 as early as possible probably on the date of filing itself.

9. It is directed that in the event of arrest of the applicant No. 2 & 3 in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They 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