

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1700 of 2019**

1. Shrikant Dwivedi, S/o Ramadhar Dwivedi Aged About 40 Years R/o Dhanlaxminagar, Bhanpuri, Police Station Khamtarai, District Raipur, Chhattisgarh.
2. Smt. Keshkali Dwivedi W/o Shrikant Dwivedi Aged About 35 Years R/o Dhanlaxminagar, Bhanpuri, Police Station Khamtarai, District Raipur, Chhattisgarh.

**---- Applicants**

**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Khamtarai, District Raipur, Chhattisgarh.

**---- Respondent**

**AND**

**MCRCA No. 1737 of 2019**

1. Sandeep Dwivedi S/o Shrikant Dwivedi Aged About 14 Years Through Their Legal Guardian Father, Shrikant Dwivedi S/o Ramadhar Dwivedi, R/o Dhanlaxminagar, Bhanpuri Police Station- Khamtarai, District- Raipur, Chhattisgarh.
2. Satish Dwivedi S/o Shrikant Dwivedi Aged About 11 Years Through Their Legal Guardian Father, Shrikant Dwivedi S/o Ramadhar Dwivedi, R/o Dhanlaxminagar, Bhanpuri Police Station- Khamtarai, District- Raipur, Chhattisgarh.

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Khamtarai, District- Raipur, Chhattisgarh.

**---- Respondent**

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| For Applicants       | : Smt. Indira Tripathi, Advocate. |
| For Respondent/State | : Smt. Seema Dixit, P.L.          |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**16/01/2020**

1. As both cases arise out of same crime number, therefore, they are

being decided by this common order.

2. The Applicants are apprehending their arrest through first bail application filed under Section 438 of Cr.P.C. in connection with Crime No. 497/2019 (487/2019 wrongly mentioned in order-sheet) registered at Police Station Khamtarai, District Raipur, (C.G.), for the offence punishable under Sections 306/34 of I.P.C.
3. As per the prosecution story, name of the deceased is Anita Dwivedi whose marriage was solemnized with Mahendra on 29.06.2005 and out of their wedlock three children were born. On 13.07.2019 deceased committed suicide by hanging herself. Applicant No. 1 & 2 (MCRCA No. 1700/2019) are the Brother-in-Law (*jeth*) and Sister-in-Law (*jethani*) of the deceased. Applicant No. 1 & 2 (MCRCA No. 1737/2019) are the minor children. Allegedly, after marriage, deceased was subjected to cruelty on account of demand of dowry by her husband as well as by present applicants. It is further alleged that on 13.07.2019, mar-pit was committed by her husband and by present applicants. Thereafter, deceased committed suicide by hanging herself. On the basis of the above, offence has been registered.
4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. She further submits that *prima facie*, no case is made out against present applicants. All allegations are against the husband of the deceased. It is further submitted that only general allegations have been leveled against the present applicants. There is nothing on record on the basis of which it can be said that present applicants have instigated or abetted the deceased in any manner to commit suicide. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application and submits that applicants No.1 & 2 (MCRCA No. 1737/2019) are minor children/juvenile persons, therefore, (MCRCA No. 1737/2019) filed under Section 438 of Cr.P.C. before this Court for grant of

anticipatory bail to them is not maintainable.

6. In this regard, referring to order of this Court dated 03.03.2017 passed in **MCRCA No. 549/2016 (Sudhir Sharma Vs. State of Chhattisgarh)**, learned Counsel for the applicants submits that this question of law was duly answered by Division Bench of this Court wherein it has been held that the application for grant of anticipatory bail under Section 438 of Cr.P.C. to a juvenile is maintainable.
7. I have heard learned Counsel appearing for the parties and perused the material available with due care.
8. 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 and particularly considering the fact that major allegations are against the husband of the deceased and only general allegations are leveled against the present applicants, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
9. Accordingly, both the anticipatory bail applications are allowed.
10. It is directed that in the event of arrest of the applicants 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**

Prakash