

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 133 of 2021**

1. Kheduram Diwakar, S/o Samaru Diwakar, Aged About 53 Years,
2. Smt. Hemant Diwakar, W/o Kheduram Diwakar, Aged About 50 Years,
3. Urvashi, D/o Kheduram Diwakar, Aged About 26 Years,
4. Jai Nandini, D/o Kheduram Diwakar, Aged About 24 Years,
5. Pinki, D/o Kheduram Diwakar, Aged About 21 Years,
6. Poonam, D/o Kheduram Diwakar, Aged About 18 Years,

All above are R/o Village Lalpur, Police Station Nawagarh,
District Bemetara, Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through Police Station Nawagarh,
District Bemetara, Chhattisgarh.

---- Non-applicant

For Applicants : Shri Manoj Paranjpe, Advocate

For Non-applicant/State : Shri Hari Om Rai, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****23.03.2021**

1. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehend their arrest in connection with Crime No.07 of 2021, registered at Police Station Nawagarh, District Bemetara (C.G.), for offence punishable under Sections 498-A, 323 read with Section 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, marriage of complainant took place on 09.02.2018 and since the date of marriage, present

applicants and her husband Pradeep Diwakar have continuously harassed the complainant for one or other reason including demand of dowry. It is alleged that husband Pradeep Diwakar has assaulted the complainant on 08.01.2021 lastly. The guest and sisters-in-law who are present in the house, have intervened rescued the complainant. The First Information Report was lodged by the complainant on 10.01.2021.

3. Shri Manoj Paranjpe, learned counsel for the applicants submits that complainant has made omnibus allegations against all the present applicants, who are father-in-law, mother-in-law and sisters-in-law of complainant. He further submits that allegation of demand of dowry is appearing from the contents of First Information Report of the year 2018. There is no mention of name of any specific person who has made alleged demand of dowry. It is contended that complainant was residing with her husband about 40 kms. far from the resident of present applicants at village Lalpur. The husband of the complainant is working as Regional Manager in one Pharma Company. It is further contended that from the contents of entire First Information Report, allegation of assault has been made by complainant against husband only and there is no allegation of assault made by complainant against the present applicants except the omnibus allegation of harassment.
4. Per contra, Shri Hari Om Rai, learned Panel Lawyer for the State vehemently opposes the bail application and submits that complainant in First Information Report has very clearly stated with regard to physical and mental harassment against the

present applicants. He further submits that from reading of First Information Report and allegations levelled against the accused persons, it is apparent that husband of complainant Pradeep Diwakar became aggressive only after coming into company of the present applicants, hence, act of present applicants is instrumental.

5. I have heard learned counsel for the parties.
6. Taking into consideration facts of the case, nature of allegations levelled against the present applicants, who are residing in a separate house at village Lalpur, which is about 30-40 kms. far from Durg District where complainant was residing with her husband in a rented house; there is no allegation of assault against the present applicants, I am inclined to release the applicants on anticipatory bail.
7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail upon each of them executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

(i) they shall make themselves available for interrogation by a police officer as and when required;

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

(iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh