

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 266 of 2021**

1. Mo. Nasbulain, S/o Sheikh Mir Hasan, Aged About 44 Years, R/o Gram & Post Sagar Sultanpur, Thana Bhagwanpur, District Sivaan (Bihar).
2. Shabnam Khatun, W/o Mo. Nasbulain Aged About 35 Years, R/o Gram & Post Sagar Sultanpur, Thana - Bhagwanpur, District Sivaan (Bihar).
3. Gajala Parveen, D/o Sheikh Mir Hasan, Aged About 27 Years, R/o Gram & Post Sagar Sultanpur, Thana - Bhagwanpur, District Sivaan (Bihar).
4. Kadir Ahmed, S/o Lt. Masuda Alam, Aged About 46 Years, R/o Gram - Rampur Kunder, Thana - Keshriya, District East Champaran (Bihar).
5. Jaha Aara Khatun, W/o Kadir Ahmed, Aged About 45 Years, R/o Gram - Rampur Kunder, Thana - Keshriya, District East Champaran (Bihar).

---- Applicants**Versus**

- State Of Chhattisgarh Through: The Station House Officer, Police Station Ratanpur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sumit Singh Rathore & Mr. Rahul Agrawal, Advocates
For Respondent/State	: Mr. Vimlesh Bajpai, G.A.
For Objector	: Ms. Aditi Singhvi, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11.06.2021**

1. The matter is heard through video conferencing.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No. 120/2020 registered at Police Station- Ratanpur, District- Bilaspur (C.G.) for commission of the offence punishable under Section 498-A, 34 of IPC.

3. Case of the prosecution is that, it has been alleged that present applicants used to harass the prosecutrix mentally and physically and demanded dowry from the prosecutrix on account of keeping her with them from the year 2017 to 15.12.2019 and, thereafter, they refused to keep the complainant with them and also insulted her. Based on this, offence was registered against the present applicants.
4. Learned counsels for the applicants submit that the present applicants are innocent and have been falsely implicated in this case. They further submit that there is no direct allegation of demand of dowry against the applicants. They next added that there is also delay in lodging the complaint against the applicants, therefore, the present applicants may be granted anticipatory bail.
5. On the other hand, counsel for the State however opposes the application for anticipatory bail.
6. Learned counsel for the objector opposes the application for anticipatory bail to the applicants by submitting that the incident of demanding dowry and harassing to the complainant is also has an evidence of prompt complaint lodged by the complainant against the present applicants. She further submits that there is also a specific evidence against the applicants of demanding dowry from the complainant. Therefore, no case is made out to release them on anticipatory bail.
7. After hearing counsel for the parties and considering the facts and circumstances of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs. 25,000/- each with one local surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicants shall make themselves available for

interrogation before the concerned investigating officer as and when required.

- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts or the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-
(Rajani Dubey)
Judge**

Ruchi