

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 630 of 2021**

1. R. Shiva Sai S/o Late R.V.K.S. Prakash Rao, Aged About 21 Years R/o Naveen Chaturvedi, Road No. 9, Plot No. B-147, Smriti Nagar, Bhilai, Tehsil And District Durg (Chhattisgarh)
2. Smt. Tara Devi W/o Late R.V.K.S. Prakash Rao Aged About 50 Years R/o Naveen Chaturvedi, Road No. 9, Plot No. B-147, Smriti Nagar, Bhilai, Tehsil And District Durg (Chhattisgarh) (Applicant No. 2 Husbands Name Wrongly Mentioned As V.K.S. Prakash Rao In Learned Lower Courts Order)

----Applicants**Versus**

- The State of Chhattisgarh Through District Magistrate Durg, P.S. Mahila Thana, Bhilai, District- Durg (Chhattisgarh)

---- Respondent

For Applicants	: Mr. Shailendra Dubey, Adv.
For Respondent/State	: Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.06.2021**

1. 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. 11/2021 registered at Police Station- Mahila Thana, Bhilai, District Durg (C.G.) for commission of the offence punishable under Section 498A, 34 of the IPC.
2. As per the prosecution case, applicants No. 1 & 2 are husband and mother-in-law of the complainant respectively. The allegation against the applicants is that they have tortured the complainant both mentally and physically in demand of dowry. It is further alleged that they have poured hot oil on her.
3. Learned counsel for the applicants submits that the present applicants are innocent and have been falsely implicated in this case. He further submits that the applicant No.-1 namely R. Shiva Sai is a government servant, constable in police department and the complainant is a shrewish lady who often

used to beat him and when he lodged a complaint before the Police In Charge against her, complainant lodged a false report before Mahila Thana. He further contended that the co-accused have already been granted Anticipatory bail by the lower Court, therefore, the present applicants may be granted anticipatory bail.

4. On the other hand, counsel for the State opposes the application for anticipatory bail.
5. 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.
6. 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 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**