

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1572 of 2020**

1. Mohd. Saleem S/o Sheikh Babbu Aged About 41 Years R/o Village Ramtek, P. S. Ramtek, Tehsil Ramtek, District Nagpur Maharastra, District : Nagpur, Maharashtra
2. Sheikh Rafik S/o Mohd. Sheikh Aged About 57 Years R/o Basant Bihar, P. S. Nagpur, Tehsil Nagpur, District Nagpur Maharastra, District : Nagpur, Maharashtra
3. Mohd. Sagir S/o Sheikh Habib Aged About 43 Years R/o Bada Tajbaag, P. S. Sakartara, Tehsil Nagpur, District Nagpur Maharastra, District : Nagpur, Maharashtra

---- Applicants

Versus

- State Of Chhattisgarh Through P. S. City Kotwali, Raigarh District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicants	: Shri Kashif Shakeel, Advocate
For Respondent/State	: Ms. Ishwari Ghrilahare, PL

Hon'ble Smt. Justice Rajani Dubey**Order On Board****24/03/2021**

This is an application filed under Section 438 of the Code of Criminal procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No. 875/2019 registered at Police Station City Kotwali, Raigarh district Raigarh (CG) for the offence punishable under Section 498-A /34 of the IPC.

Case of the prosecution in brief is that report was lodged by the

complainant, who is the second wife of the applicant No.1 and sister in law of applicants 2 & 3, alleging that they used to harass her for demand of dowry and infertility.

Contention of the counsel for the applicants is that the applicants have been falsely implicated in the present case. He further submits that the complainant is residing with her parents of her own will and she refused to come back with the applicants and therefore, after several attempts, the applicant No.1 filed application for restitution of conjugal rights before the Family Court at Nagpur.

On the other hand, learned counsel for the State opposes the bail application.

Having heard counsel for the parties and considering the totality of the facts, in particular, the nature of allegations against the applicants, this Court is of the view that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants' in connection with the aforesaid offence, they shall be released on bail on their executing a personal bond in sum of Rs. 50,000/- each with one surety to the satisfaction of the trial Court. The applicants shall also abide by the following conditions :

(i) that 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 them from disclosing such facts to the Court or any police officer;

(ii) that they shall not act in any manner which will be prejudicial to fair

and expeditious trial; and

(iii) that 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/-

(Rajani Dubey)

Judge

suguna