

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1302 of 2021**

1. Surendra Kumar Rathore, son of Ramnath Rathore, aged about 60 years,
2. Geeta Rathore, wife of Surendra Kumar Rathore, aged about 53 years,
3. Pooja Rathore, D/o. Surendra Kumar Rathore, aged about 27 years,

All R/o. 71 D, Bhawani Dham, Phase-1, Bhawani Dham, Hujur,
Bhopal-462041 (M.P.)

---- Applicants**Versus**

State of Chhattisgarh, Through : the Station House Officer, Police Station
Baradwar, District Janjgir-Champa (C.G.)

----Non-applicant

For Applicants	:	Mr. Ishwar Jaiswal, Advocate.
For Non-applicant	:	Mr. Vaibhav K. Agrawal, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****25.11.2021**

(1) The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 286/2021 registered at police station Baradwar, District Janjgir-Champa for commission of offence punishable under Section 498-A/34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 25.6.2019 marriage of complainant – Poonam Singh Rathore was solemnized with co-accused – Deepak Kumar Yadav, who is son of applicants No. 1 & 2 and brother of applicant No. 3. After lapse of some time, applicants and husband of complainant started ill-treating & harrasment to the complainant. They also used to torture her physically and mentally and also doubting her character and demanding Rs.15 lakh as dowry. Based on above facts, present crime was registered against the present applicants

and co-accused Deepak Kumar Yadav under Section 498-A/34 of IPC at Police Station Baradwar, District Janjgir-Champa.

(3) Learned counsel appearing for the applicants would submit that neither applicants have harassed the complainant nor they demanded any amount towards dowry. Actually the fact is that the complainant herself does not want to live with her husband – Deepak Kumar Yadav because she works at Bilaspur. He would next submit that after marriage, the complainant had lived for about only 21 days in her matrimonial home. Due to her such attitude, her husband – Deepak Kumar Yadav has made complaint to the Women Counseling Centre, Bhopal and he has also filed divorce petition (Annexure A-3) before the Family Court, Bhopal. Thereafter, complainant lodged present FIR on 03.09.2021. He would next submit that complainant has never permitted her husband - Deepak Kumar Yadav to have physical relation with her. Hence, the applicants may be extended the benefit of Section 438 of the Code of Criminal Procedure.

(4) Per contra, learned counsel for the State while opposing the submissions made by counsel for the applicants would submit that it is a case of cruelty in connection with demand of dowry, hence, anticipatory bail application filed by the applicants is liable to be rejected.

(5) I have heard learned counsel for the parties and perused the case diary as well as material available on record.

(6) Considering the facts & circumstances of the case, nature & gravity of the offence, particularly the fact that applicants are father, mother & sister-in-law of the complainant and also taking into consideration the documents annexured by the applicants with their anticipatory bail application, I am of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on anticipatory bail on each of them furnishing a bond in the sum of ₹ 25,000/- with one surety for the like sum to the satisfaction of the officer/Court arresting them and they shall abide by all the following terms and conditions:

- (i) that the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when

required.

(ii) that the accused/applicants 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 facts to the Court or to any police officer;

(iii) that the accused/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.

Certified copy, as per rules.

Sd/-

(N.K. Chandravanshi)
Judge

D/-

