
Sitaram Jangde & Anr. Vs State Of Chhattisgarh

M.Cr.C.(A) No. 439, 446 of 2018

Court: Chhattisgarh High Court

Date of Decision: July 2, 2018

Acts Referred:

Indian Penal Code 1860 " Section 34, 438, 494, 498(A)

Hon'ble Judges: SANJAY K. AGRAWAL, J

Bench: Single Bench

Advocate: Shivendu Pandya, R. N. Pusty

Final Decision: Allowed

Judgement

1. Apprehending arrest in connection with Crime No.55/2018, registered at Police Station- Gandai, District Rajnandgaon (C.G.) for the offence

punishable under Sections 498(A), 494/34 of the IPC, the applicants have filed this application under Section 438 of the Code of Criminal Procedure

for grant of anticipatory bail.

2. Case of the prosecution, in brief, is that marriage of Tuleshwar Jangde was solemnized with the complainant Rama Jangde on 30.04.2015 and

thereafter the applicants have started harassing Rama Jangde and thereby committed an offence under the aforesaid Sections.

3. Learned counsel for the applicants would submit that the applicants have falsely been implicated in crime in question and have not committed any

offence. The applicants Sitaram Jangde and Smt. Gitabai Jangde are the grand parents of Tuleshwar Jangde and the complainant Smt. Rama Jangde

and her husband Tuleshwar Jangde were residing separately from 09.07.2016 and the FIR was lodged on 17.04.2018 and as such there is inordinate

delay in lodging the FIR. There is no specific allegation of dowry on the applicants and therefore, they may be granted anticipatory bail.

4. On the other hand, learned counsel for the State would oppose the anticipatory bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case; and the fact remains that Tuleshwar and his wife Rama were residing separately

with effect from 09.07.2016 and looking to the age of the applicants Sitaram Jangde and Smt. Gitabai Jangde being 75 years and 72 years respectively

and the material available on record against all three applicants, I consider it a fit case for grant of anticipatory bail.

7. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is allowed and it is directed that in the event of arrest of the applicants

namely- (i) Sitaram Jangde (ii) Smt. Gitabai Jangde (iii) Tuleshwar Jangde in connection with the aforesaid offences, they shall be released on bail by

the officer arresting them on their executing a personal bond in the sum of 25,000/- each with one surety in the like sum to the satisfaction of the

concerned Investigating/Arresting Officer. The applicants shall also abide by the following conditions:-

1. that they shall make themselves available for interrogation before the concerned Arresting/Investigating Officer as and when required;

2. that they shall not, directly or indirectly, make any inducement, threat or promise to the 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;

3. that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

4. that they shall also appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.