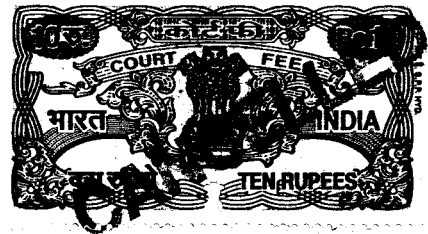


Single Bench

(1)



IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

MISC. CRIMINAL CASE (A) NO. 1108 / 2014

APPLICATION U/S. 438 OF THE CODE OF CRIMINAL PROCEDURE
FOR GRANT OF BAIL

APPLICANTS:

1. Smt. Preyasha @ Nidhi Jain, W/o Manish Jain, aged 36 years,
2. Smt. Nirmala W/o Lalit Chauradiya, aged about 56 years,
3. Lalit Chauradiya, S/o Bhairudan Chauradiya, aged about 61 years,
4. Prashant S/o Lalit Chauradiya, aged about 33 years,
5. Kumari Namrata D/o Lalit Chauradiya, aged about 30 years,

R. No. 1108/14
Presented by Shri. S.C. Mishra
dated 08/01/15

Both Resident of Naya Sharafa Bazar, Ward no. 6, Balaghat, Police Station Balaghat, Tahsil and District- Balaghat (M.P.)

Versus

NONAPPLICANTS:

1. State of Chhattisgarh through: The District Judicial Magistrate First Class Rajnandgaon, District- Rajnandgaon (Chhattisgarh)

Deleted the name of R-2 as per the Honble Court order dt. 08.01.15

2. Manoj Jain, S/o Madan Chand Jain, aged about 44 years, Resident of Kailash nagar, Rajnandgaon, Police Station Kotwali, District- Rajnandgaon (C.G.)



Attested
AR (CJ)
08/01/15

S. Venema
09/01/15

(2)

B.A. NO.	587/2014 ✓
Complaint Case NO.	810/2014 ✓
Police Station	Kotwali, District- Rajnandgaon (C.G.)
Offence	418, 420, 468, 471, 34 of the Indian Penal Code.
Status	Pending before Judicial Magistrate 1 st Class Rajnandgaon District- Rajnandgaon (C.G.)
Civil and Revenue District -	Rajnandgaon (C.G.)

The applicants, above named most respectfully beg to submits as under :

HIGH COURT OF CHHATTISGARH : BILASPUR

M.Cr.C.(A)NO.1108 of 2014

Applicants

Smt. Preyasha @ Nidhi Jain and
others

Versus

Non-applicant

State of Chhattisgarh

(Application under Section 438 of the Code of Criminal Procedure)

[Single Bench: Hon'ble Shri Manindra Mohan Shrivastava, J.]

Present: -

Shri S. C. Verma, counsel for the applicants.

Shri Ashish Shukla, Govt. Advocate for the State.

Shri R. S. Marhas, counsel appeared as amicus curiae.

ORDER (ORAL)
(Passed on 07-04-2015)

Heard.

2. It is reported that during the pendency of this bail application, the complainant-Manoj Jain committed suicide.

Shri R. S. Marhas, learned counsel was requested by the Court to argue as amicus curiae in the matter.

3. The applicants are apprehending their arrest in connection with Complaint Case No. 810/2014 registered against the applicants by the Judicial Magistrate First Class, Rajnandgaon for alleged commission of offence under Section 418, 420, 468, 471/34 of IPC.

4. Learned counsel for the applicants argued that the applicant No.1 is the wife of Manish Jain and the applicants No.2, 3, 4 & 5 are father, mother, brother and sister respectively of applicant No.1. Applicant No.1 lodged a report against the complainant (since deceased) and other members of the family of her husband-Manish Jain alleging commission of offence under Section 498-A of IPC, in which case, charge sheet has already been filed. The applicant No.1

has also moved an application before the Family Court for return of *Stridhan* property. As a counterblast, complaint has been filed against the applicants on the allegation that the list of *Stridhan* submitted before the Family Court at Balaghat is forged one. It is submitted that unless proceedings under Section 340, 341 of IPC are drawn by moving appropriate application before the concerned Family Court, no complaint is maintainable on the allegation of submitting a forged document in Court proceedings. Learned counsel for the applicants submits that uncle of the applicant No.1-Uttam Chand Chopra is no more. He further submits that the complaint case was filed by Manoj Jain as counter action, as the applicant No.1 had lodged a report regarding cruelty in connection with demand of dowry and moved an application for return of *Stridhan* property. It is lastly submitted that the applicants are respectable inhabitants of the area and they are not likely to abscond.

5. Shri Marhas, learned counsel appeared as amicus curiae, submits that though ~~complainant~~ has died, under the law, the complaint case can be continued by the relatives of the deceased-complainant.

6. Taking into consideration the submissions before this Court, particularly taking into consideration the background, in which, the complaint was made against the applicants and that the complainant has died as also that the applicants are not likely to abscond nor in a position to tamper the prosecution witnesses and further that the applicant No.1-Preyasha Jain had already lodged a report against the complainant and other members of the

matrimonial family and also moved an application for return of *Stridhan* property, it would be in the interest of justice to protect the applicants against their arrest by grant of anticipatory bail.

7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the arresting officer with following further conditions that:

- (iii) the applicants shall make themselves available for interrogation by a police officer as and when required;
- (iv) the 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 from disclosing such facts to the Court or to any police officer.

Certified copy as per rules.

सत्यमेव जयते

Sd/-
Manindra M. Shrivastava
Judge