

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 490 of 2015

1. Nathmal Kothari S/O Late Ghasilal Kothari Aged About 54 years R/O Village-Chechanmeta, Post Office And Police Station- Parpodi, Tahsil- Saja, District-Bemetara, Chhattisgarh
2. Smt. Meena Kothari W/O Nathmal Kothari Aged About 52 Years R/O Village-Chechanmeta, Post Office And Police Station- Parpodi, Tahsil- Saja, District-Bemetara, Chhattisgarh
3. Dinesh Kothari S/O Nathmal Kothari Aged About 32 Years R/O Village- Parpodi (Behind Police Station), Police Station- Parpodi, Tahsil-Saja, District- Bemetara, Chhattisgarh.
4. Smt. Samta Kothari W/o W/O Dinesh Kothari Aged About 30 Years R/O Village-Parpodi (Behind Police Station), Police Station- Parpodi, Tahsil-Saja, District-Bemetara, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station-Parpodi, District- Bemetara, Chhattisgarh

---- Respondent

For Applicants - Shri Goutam Khetrapal, Advocate
For Respondent/State - Shri Vinod Tekam, Panel Lawyer
For Objector - Shri Akhil Mishra, Advocate

Order On Board

02/07/2015

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.48/2015 registered at Police Station-Parpodi, District-Bemetara (C.G.) for alleged commission of offence under Sections 498(A), 323/34, 506 of IPC.
2. Case of the prosecution is that the applicants harassed subjected to cruelty and also committed physical violence by assaulting complainant Swati Kothari.
3. Learned counsel for the applicants submit that it is a case of false implication and exaggerated allegation. There existed simple dispute between the husband and wife and the complainant is not willing to reside in the matrimonial house along with other members of family but she is demanding a separate residing and money cash to be

deposited in her account as reflected from her own statement recorded by Women Cell In-charge on 30.04.2015.

4. It is also submitted that the allegation of assault are exaggerated because the injury report itself is very doubtful. She was taken to hospital by own husband and properly treated and thereafter, she came back to the matrimonial house.

5. On the other hand, learned counsel for the State opposes prayer for grant of bail by submitting that report was lodged on 24.03.2015 in which, there specific allegation of violence by applicant No.2 Smt. Meena Kothari and applicant No.3 Dinesh Kothari that they assaulted and attempt be made to throw her from the terrace. He submits that upon medical examination, complaint is found to have sustained injury.

6. Shri Akhil Mishra objects to grant bail of all the applicants by submitting that the complainant has been subjected to violence and cruelty in the matrimonial house and she has sustained injury, the applicants are not entitled to grant of bail.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration specific allegation of violence by applicant No.2 Smt. Meera Kothari and applicant No.3 Dinesh Kothari and there is injury found upon medical examination, I am not inclined to grant anticipatory bail to **applicant No.2 Smt. Meera Kothari** and **applicant No.3 Dinesh Kothari**, therefore, application of **applicant No.2 Smt. Meera Kothari** and **applicant No.3 Dinesh Kothari** are rejected.

8. However, in so far applicant No.1 Nathmal Kothari and applicant No.4- Smt. Samta Kothari are concerned, the allegations against them is general in nature and they have not been involved in the specific incident of violence on 24.03.2015, therefore, application of **applicant No.1 Nathmal Kothari** and **applicant No.4- Smt. Samta Kothari** are allowed.

9. It is directed that in the event of arrest of the **applicant No.1 Nathmal Kothari** and **applicant No.4- Smt. Samta Kothari** in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and they shall abide by all the following terms and conditions-

- i. that they shall make themselves available for interrogation by a Police Officer as and when required;
- ii. 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 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 they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- v. Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

JUDGE

Rekha