

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 493 of 2015

1. Smt. Khushboo Mittal & Ors. Aged About 35 years, W/O Ajay Pratap R/O Balaji Niwas, Near Punjab Tent House Dayalband, Police Station City Kotwali, Revenue And Civil District Bilaspur, Chhattisgarh, At Present Address, Near Shahpur Cross Road, Kalal Nagar, Police Station Shahpur, District Ahmedabad, Gujrat
2. Smt. Radha Mittal Aged About 50 Years W/O Shri Bajrang Lal Mittal R/O Balaji Niwas, Near Punjab Tent House Dayalband, Police Station City Kotwali, Revenue & Civil District Bilaspur, Chhattisgarh
3. Bajrang Lal Mittal Aged About 52 Years S/O Late Bahadur Mal Mittal R/O Balaji Niwas, Near Punjab Tent House Dayalband, Police Station City Kotwali, Revenue & Civil District Bilaspur, Chhattisgarh

---- Applicants

Versus

1. State Of West Bengal Through: Supt. Of Police, District Purulia (West Bengal)
2. Station House Officer Police Station Bara Bazar, Purulia, District Purulia (West Bengal)
3. State Of Chhattisgarh Through: Supt. Of Police Bilaspur, Tehsil & District Bilaspur, Chhattisgarh

---- Respondent

For Applicants	:	Shri Rupesh Shrivastava, counsel for the applicants.
For Respondent/State	:	Shri Satish Gupta, Govt. Advocate for the State.

Order On Board

1/07/2015

Heard.

This application under Section 438 of Cr.P.C., has been preferred by the applicants, apprehending their arrest in view of registration of crime against them in the Police Station- Bara Bazar, Purulia District- Purulia (West Bengal) for alleged commission of offence under Sections 498-A, 307, 120-B/34 of the IPC read with Section 3 /4 of the Dowry Prohibition Act.

Learned counsel for the applicants submits that the applicants are the sister-in-law, mother-in-law, father-in-law of the complainant, who is having dispute mainly with her husband. Learned counsel for the applicants submits that in order to wreck-vengeance, each and every member of the family has been roped-in which included the applicants also and the allegations are highly exaggerated. The applicants are the permanent resident of Dayalband, Bilaspur (C.G.) and recently

they have come to know that the police of concerned police station had arrived in Bilaspur (CG) in connection with the arrest of the applicants and the applicants are intending to move the competent jurisdictional Court for grant of anticipatory bail. For that purpose, they are required to go to the concerned district in the State of West Bengal and apply for grant of bail. For that, a protective umbrella of limited period may be granted. Learned counsel for the applicants relies upon the order dated 23rd August, 1999 passed in the case of **Sachindra Mahawar and Ors. Vs. State of M.P. and Ors.**, 2000 (1) MPHT 127.

On the other hand, learned State counsel has opposed the bail application. He submits that present is a case of commission of offence registered in the State of West Bengal, therefore, present application is not maintainable.

The applicants are praying for transit bail for limited period so that they may approach the competent Court to apply for grant of anticipatory bail. The present case appears to be a case where the mother-in-law, father-in-law and sister-in-law have approached this Court in the matter of allegation of harassment and cruelty against the daughter-in-law.

In view of order passed by the High Court of Madhya Pradesh in the case of **Sachindra Mahawar** (supra), such prayer can be considered. In the circumstances, I am inclined to provide a limited protection to the applicants upon appreciation of the totality of circumstances of the case and the nature of allegation against them.

Accordingly, I am inclined to direct that in the event of arrest of the applicant in connection with Crime No.08/2015 registered at Police Station- Bara Bazar, Purulia, District- Purulia (W.B.) each of the applicants shall be released on bail on executing a personal bond of Rs.20,000/- each with one surety of the like amount to the satisfaction of the arresting officer/investigating officer.

The above order shall remain alive for 6 weeks and shall stand automatically cancelled after expiry of the aforesaid period. It is further directed that in the meanwhile the applicants shall make themselves available for interrogation by the investigating officer as and when necessary. They would not directly or indirectly cause any interference in the process of investigation and would not abscond or leave India without prior permission of the Court.

The application is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)

JUDGE