

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 669 of 2015

1. Smt. Meena Agrawal W/o Shiv Agrawal Aged About 50 Years R/o Santarabadi, Durg, Near Sahu Atachakki, Durg, P.S. Mohannagar, Tahsil And District Durg, Chhattisgarh
2. Sanket Agrawal S/o Shiv Agrawal Aged About 18 Years R/o Santarabadi, Durg, Near Sahu Atachakki, Durg, P.S. Mohannagar, Tahsil And District Durg, Chhattisgarh

---- Applicants

Versus

1. Yogita Agrawal W/o Sanjay Agrawal Aged About 28 Years R/o Santarabadi, Durg, Near Sahu Atachakki, Durg, P.S. Mohannagar, Tahsil And District Durg, Chhattisgarh
2. State Of Chhattisgarh Through: The District Magistrate, P.S. Mohan Nagar, Durg, Chhattisgarh

---- Respondents

Shri Jitendra Gupta, counsel for the applicant/s.
Shri Amiyakant Tiwari, counsel for respondent No.1.
Shri Satish Gupta, Govt. Adv. for the State.

Order On Board

08/09/2015

Heard.

The applicants are apprehending their arrest in connection with the Criminal Complaint case No.4057/15 filed in the Court of Chief Judicial Magistrate, Durg and cognizance taken for alleged commission of offence under Section 294, 506-B, 323, 452 of IPC and Section 3 (ii) (v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (In short).

2. Learned counsel for the applicants submits that a dispute with regard to family property is going on between Shiv Agrawal and Sanjay Agrawal. Applicant Yogita Agrawal is the wife of Sanjay Agrawal. It is submitted that time and again disputes arise between the parties and in respect of certain quarrel which had taken place between the applicant and respondent No.1, who are residing in the same building but on different floors, report has been lodged which the police did

investigate but when no case worth registration was found, complaint has been filed. It is further submitted that the applicant No.1 and respondent No.1 are sister-in-laws residing in the same building and even though some altercation is made out, the alleged commission of offences are not at all made out. He submits that the applicants are not likely to abscond and their presence may be secured by imposing onerous conditions.

3. On the other hand, learned State counsel submits that according to the complaint and the statement made before the Magistrate, it is clear that applicants had entered the room where respondent No.1- Yogita was there and she was assaulted and abused.

4. Taking into consideration the submission of learned counsel for the parties, background of dispute between the husband of Meena Agrawal and Yogita Agrawal, pendency of revenue proceedings and that both the parties reside in the same building in different floors, false implication cannot be ruled out.

5. Accordingly, the application is allowed. The applicants shall surrender before Special Judge within a period of 15 days from today and if they so surrender, 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 Special Judge for their appearance before the concerned Special Judge unless exempted from appearance.

Certified copy as per rules.

Sd/-

**Manindra Mohan Shrivastava
Judge**