

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.566 of 2015**

1. Rohini Choudhary W/o Narottam, Aged About 52 years,
2. Vijaylal Choudhary S/o Narottam Choudhary, Aged About 28 Years,
3. Nilima Choudhary @ Jaya Choudhary W/o Vijaypal Choudhary Aged About 26 Years

No.1 to 3 are R/o Village Podapali, Police Station And Tahsil Saraipali, Civil And Revenue Distt. Mahasamund Chhattisgarh.

4. Lakhan Lal Choudhary S/o Narottam Aged About 36 Years
5. Pushpa Choudhary W/o Lakhan Lal Aged About 33 Years

No.4 & 5 are R/o Village Lukapara, Police Station And Tah. Saraipali, Civil And Revenue Distt. Mahasamund Chhattisgarh.

---Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Saraipali, District Mahasamund Chhattisgarh.

---- Respondent

For applicants : Shri Anil Gulati, Advocate
 For Respondent/State: Smt. Shubha Shrivastava, Panel Lawyer

Order On Board**16/07/2015**

The applicants have preferred this application under Section 438 of Cr.P.C., apprehending their arrest in connection with Crime No.190/2015, registered at Police Station–Saraipali, District Mahasamund for alleged commission of offence under Sections 498-A/34 of IPC.

2. Case of the prosecution is that all the applicants and other accused harassed the complainant- Bindu Choudhary and subjected to cruelty and thereby, committed offence under Section 498-A of IPC.

3. Learned counsel for the applicant submits that the main dispute of the complainant with her husband but each and every member of the family has been involved whereas the applicants are not involved in the alleged offence. It is next submitted that the complainant is not keeping well and she was sick. The complainant was taken to parental house in the year 2011 where she stayed along with her parents and after her treatment, she came back to her matrimonial house and thereafter, now at this stage, the complaint has been lodged. There is no specific allegation by the complainant against the applicants but only on the basis of what has been stated by father of the complainant that all the applicants including all the family members have been involved.

4. On the other hand, learned State counsel submits that the complainant is sick and unable to give any statement, therefore, father of the complainant has stated regarding involvement of the applicants in subjecting the complainant to cruelty. It is stated that the applicants are equally involved.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the allegations are mainly against the husband and the allegations against the applicants are general in nature and there are no marks of injury reported in the medical examination and that the complainant is found to be suffering from certain diseases, the application is allowed.

6. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond for a sum of Rs.20,000/ with one surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

- (I) they shall make themselves available for interrogation by a police officer as and when required;
- (ii) 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 him from disclosing

such facts to the Court or to any police officer, *and*

(iii) they shall cooperate with the investigation as and when he is called.

Sd/-
Manindra Mohan Shrivastava
Judge