

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1160 of 2015

1. Mr. Prasad M. Mathew S/o Late M. Mathew (Wrongly Mentioned In Impugned Order As Mathew) Aged About 58 Years Occupation - Retired R/o A - 103, Shri Krishna Complex, Stella, Vasai (West), Tal. Vasai, Distt. Palghar (Maharashtra)

2. Mr. Prince Prasad, S/o Mr. Prasad M. Mathew (Wrongly Mentioned In Impugned Order As Prasad) aged About 31 Years R/o A- 103, Shri Krishna Complex, Stella, Vasai (West), Tal. Vasai, Distt. Palghar (Maharashtra)

---- Applicants

Versus

State Of Chhattisgarh Through - Station House Officer, Police
Station : Newai, Bhilai Nagar, Distt. Durg (Chhattisgarh)

---- Respondent

And

MCRCA No. 1161 of 2015

Mrs. Valsamma Prasad W/o Mr. Prasad Mathew, Aged About 53 Years R/o A- 103, Shri Krishna Complex, Stella, Vasai (West), Tal. Vasai, Distt. Palghar (Maharashtra)

----Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Police
Station : Newai, Bhilai Nagar, Distt. Durg (Chhattisgarh)

---- Respondent

For applicants – Smt. Fouzia Mirza, Advocate.

For Respondent/State – Miss. Sunita Jain, PL.

For objector – Shri M.P.S. Bhatia, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/12/2015

1. Both these anticipatory bail applications are decided by this common order as they are arising out of the same crime number.

2. These applications under Section 438 of Cr.P.C. have been filed by the applicants apprehending their arrest in connection with Crime No.203 of 2015, registered at Police Station Newai, Bhilai Nagar, Distt. Durg, Civil and Revenue District Durg (CG) for offence punishable under Section 498-A, 34 of Indian Penal Code and Section 4 of Prohibition of Dowry Act.

3. According to the case of prosecution complainant namely Jasmin John was married to Mr. Prince Prasad on 4/05/2014 at Vasai Mumbai. Subsequently, they remained together for 19 days and during honeymoon period demand was made by the husband to get amount of Rs.15 lakhs on the ground that on payment only he will be able to take the complainant/wife to Sharja wherein he was serving. It is also case of the complainant that she was subjected to pressure to bring Rs.15 lakhs by the applicants and it was stated that unless amount is paid she would not be taken to Sharja and thereafter amount having not been paid she was subjected to torture.

4. Learned counsel for the applicants submits that after the date of marriage complainant Jasmin John only remained for 17-19 days with her husband and would submit that according to the document filed by the complainant/objector it would go to show no demands was made followed by torture. She relied on the documents letters and legal notices filed by the objector. It is further submitted that complainant went to Sharja on 13/01/2015 and came back on 10/02/2015 which would go to show the fact that she joined of her own at Sharja, however she could not continue there for want of proper visa. It is further submitted that reading notice sent by the advocate and reply would go to show that case of torture is

not made out and only fact that complainant after marriage did not like the house at Mumbai which was very small and she never wanted to leave her service at Bhilai, this complaint have been made. Therefore, she submits that applicants may be extended benefit of anticipatory bail.

5. Learned State counsel and learned counsel for the objector opposes the prayer for grant of bail. It is submitted by learned counsel for the objector that because of demand of Rs.15 lakhs was not fulfilled as such complainant was not allowed to join to her husband at Sharja and therefore by such demand case of cruelty is made out.

6. I have heard learned counsel for the parties at length.

7. I have perused the case diary, report and the notice and the letter exchanged between the parties. In the complaint it is alleged that the applicants husband, mother-in-law and father-in-law asked her to pay Rs.15 lakhs as condition precedent and it is stated that unless the amount is given she would not be allowed to join her husband at Sharja. Documents and notice also perused. Annexure O-1 is copy of email dated 16/01/2015 which is sent by mother-in-law which is addressed to mother of the complainant is filed by learned counsel for the objector wherein in substance it is stated that both parties i.e. husband and wife were not in relationship, therefore they could amicably settle the dispute by mutual consent of divorce. The letter is followed by legal notice by the advocate and also reply by the complainant. Taking into facts of this case allegations it prima facie shows that allegations are attributed to the husband i.e. against Mr. Prince Prasad applicant No.2 in M.Cr.C. (A) No. 1160/2015 with whom wife remained after marriage. As against other

applicants i.e. applicant No. 1 Mr. Prasad M. Mathew in M.Cr.C. (A) No. 1160/2015 and applicant Mrs. Valsamma Prasad in M.Cr.C. (A) No. 1161/2015 taking into documents and the letter it appears that general allegations have been made against them and it was advised by the mother-in-law to get separated. Taking into allegation against applicant No. 1 Mr. Prasad M. Mathew in M.Cr.C. (A) No. 1160/2015 and applicant Mrs. Valsamma Prasad in M.Cr.C. (A) No. 1161/2015, this court is inclined to extend benefit of anticipatory bail to these applicants.

8. According, anticipatory bail application in respect of applicant No. 1 Mr. Prasad M. Mathew in M.Cr.C. (A) No. 1160/2015 and applicant Mrs. Valsamma Prasad in M.Cr.C. (A) No. 1161/2015 is allowed.

9. In respect of husband applicant No.2 Mr. Prince Prasad in M.Cr.C. (A) No. 1160/2015 it appears that it may require investigation, therefore, I am not inclined to extend benefit of anticipatory bail to applicant No.2 Mr. Prince Prasad in M.Cr.C. (A) No. 1160/2015.

10. Accordingly, the anticipatory bail application in respect of applicant No.2 Mr. Prince Prasad in M.Cr.C. (A) No. 1160/2015 is dismissed.

11. Accordingly, the anticipatory bail application in respect of applicant No. 1 Mr. Prasad M. Mathew in M.Cr.C. (A) No. 1160/2015 and applicant Mrs. Valsamma Prasad in M.Cr.C. (A) No. 1161/2015 is allowed and it is directed that in the event of arrest of the applicant No. 1 Mr. Prasad M. Mathew and applicant Mrs. Valsamma Prasad in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned

Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that 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/her 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) the applicants shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE