

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 990 of 2015

1. Suryakant Singh Parihar S/o Shri Markande Singh Aged About 29 Years R/o Madanpur, Police Out Post-Fastarpur, Police Station & Tahsil - Mungeli, Civil District Bilaspur & Rev. District Mungeli Chhattisgarh.
2. Markande Singh Parihar S/o Late Prem Singh Aged About 59 Years R/o Madanpur, Police Out Post-Fastarpur, Police Station & Tahsil - Mungeli, Civil District Bilaspur & Rev. District Mungeli Chhattisgarh.
3. Martandya Singh S/o Late Prem Singh Aged About 65 Years Retired Teacher, R/o Mungeli, Police Station & Tahsil Mungeli, Civil District Bilaspur & Rev. District Mungeli Chhattisgarh.
4. Mukesh Singh S/o Late Prem Singh Aged About 50 Years Upper Division Teacher, Middle School Fastarpur, R/o Madanpur, Police Out Post-Fastarpur, Police Station & Tahsil Mungeli, Civil District Bilaspur And Rev. District Mungeli Chhattisgarh.
5. Smt. Brajeshwari W/o Mukesh Singh Aged About 48 Years R/o Madanpur, Police Out Post Fastarpur, Police Station & Tahsil Mungeli, Civil District Bilaspur & Rev. Distt. Mungeli Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Acting Through Officer-In-Charge Police Station Kunda, District Kabirdham (Kawardha) Chhattisgarh.

---- Respondent

Shri K.A.Ansari, senior counsel along with Shri Vipin Singh, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Order On Board

12/10/2015

Heard.

The applicants are apprehending their arrest in connection with Crime No.116/15 registered at police station – Kunda, District – Kawardha (Kabirdham), Chhattisgarh for alleged commission of offence under Section 498-A, 506, 294, 34 of IPC.

2. Prosecution case is that the applicants harassed the complainant in connection with demand of dowry and she was subjected to cruelty.

3. Learned counsel for the applicants submits that FIR has been lodged in the year 2015 whereas the complainant left the matrimonial house almost five years before and when she did not return back to the matrimonial house even after three years, applicant No.1 filed a suit for divorce in the year 2010. It is submitted that then after five years, present FIR has been registered to settle the dispute by way of arm twisting.

4. On the other hand, learned State counsel submits that there is specific allegation that on 16/06/15, the applicants arrived in the house of the complainant and threatened her of dire consequences. Rs.10 lakhs were demanded from her and she was compelled by applicant No.1 to sign the divorce papers so that he can contract another marriage.

5. Taking into consideration the totality of circumstances, particularly taking into consideration that FIR has been lodged five years after filing of the divorce suit when conciliation between the parties failed, I am inclined to grant anticipatory bail to the applicants.

6. Accordingly, the application is allowed. 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 in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicants shall abide by all the following terms and conditions -

- (i) that the applicants 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 they 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.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge