

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1271 of 2015**

1. Mahesh Tambe S/o Shri Bhadu Tambe Aged About 45 Years R/o Shanti Nagar, Street No. 7, House No. 649, P.S. Supela, Bhilai, Distt. Durg, Chhattisgarh.

2. Smt. Dharmrakshita Tambe W/o Mahesh Tambe Aged About 40 Years R/o Shanti Nagar, Street No. 7, House No. 649, P.S. Supela, Bhilai, Distt. Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The District Magistrate Durg, P.S. Supela, Chowki Vaishali Nagar, Distt. Durg, Chhattisgarh.

---- Respondent

For applicants–Shri Raghvendra Pradhan and Shri Uttam Chandel, Advocates.

For objector -Shri Manish Upadhyay and Miss. Pratiksha Sinha, Advocates.

For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****24/02/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 982/2015 registered at Police Station Supela, District Durg (C.G.) for offence punishable under Sections 294, 506 of Indian Penal Code & Section 5 of Chhattisgarh Tonhi Pratadna Adhiniyam.

2. As per the prosecution case applicants are son and daughter-in-law of the complainant namely Lila Bai Tambe. A complaint was presented by the complainant under Section 156 (3) of Cr.P.C. before the court of CJM upon which the court directed the Police Station Supela to register FIR and after registration of the FIR it was investigated and statement of Lila Bai Tambe and Amardeep Tambe was recorded. As per the allegation the complainant was brutally beaten by the applicants and cruelty reached to its extreme when the complainant mother was identified as tonhi and

threat was extended. Thereby offence is committed.

3. Learned counsel for the applicants submits that entire allegations have been made at the behest of one of the brother of the applicant who is unemployed. It is further stated that root of the dispute is property dispute wherein the brothers were not happy which resulted into such lodging of report. It is further submitted that applicants were assaulted by the complainant and initially different reports were made in between the parties. He further submits that false allegations have been levelled against the applicants, therefore the applicants may be extended benefit of anticipatory bail.

4. Per contra, learned State counsel as also learned counsel for the objector opposes the prayer for grant of anticipatory bail. It is stated that mother was not looked after, as such the mother has to file an application before the family court wherein the interim maintenance of Rs.2000/- was ordered. However, the same was not paid regularly in order to harass the mother and mother has to stay separate. It is further submitted that complainant mother is now working as house maid in certain houses and when reports were made then at that time amount of arrears was paid. Learned State counsel went through the statement and would submit that considering the kind of allegations levelled against the applicants, they may not be given benefit of anticipatory bail.

5. I have perused the case diary and the statement. Case diary would show that complaint was filed under Section 156 (3) of Cr.P.C. on 5/11/2015 by the complainant Lila Bai Tambe against the applicants that she was subjected to torture and beating by the son and daughter-in-law. Before that case diary shows that report was made to the SP Durg wherein it is stated that complainant was abused as prostitute and further

was indentified as tonhi. Perused the statement of Lila Bai Tambe mother aged about 68 years wherein specific allegations have been levelled against the applicants that she was subjected to severe beating and also branded as tonhi and further threat was extended that she would be made to roam around nude as she is tonhi. Similar statement has been made by Amardeep Tambe. Taking into account the degree of allegations against the applicants and the way it is committed, I am not inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is dismissed.

7. Learned counsel for the applicants after rejection of the bail application submits that they may be allowed to surrender and apply for regular bail and the bail application may be directed to be considered on the same day. Prima facie, it appears that prayer so made is after thought after the order is passed and hence the prayer is dismissed at the threshold.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE