

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 892 of 2016

1. Ankur Gupta, S/o. Trivendeshwar Gupta, age 34 years, Occupation-I.C.U, H.O.D. Address : - H. No.-C.G.-37, Scheme No.54, B/H. Krishna Dairy, Vijay Nagar, Indore (M.P.).
2. Smt. Varsha Gupta, W/o. Trivendeshwar Gupta, age 55 years, Address : H. No.-C.G.-37, Scheme No.54, B/H. Krishna Dairy, Vijay Nagar, Indore (M.P.).
3. Smt. Sumati Agrawal, W/o. Shri Om Hari Agrawal, aged – 76 years, Address : 758, Physical College, Quarters Road, Shivpuri (M.P.)
4. Darpan Kumar Agrawal, S/o. Shri Omhari Agrawal, aged – 48 years, Occupation- Business, Address – 23, Sector – C, Slice No.3, Scheme No.-78, “Aranya” Indore (M.P.).

----Applicants

Versus

1. Police Station Mahila Thana, Through : Station House Officer, Raipur (C.G.).

---- Respondent

For Applicants : Mr. S.S. Rajput, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/09/2016

1. Apprehending arrest in connection with Crime No.11/2016 registered at Police Station- Mahila Thana, Raipur, District – Raipur (C.G.), for offence punishable under Section 498-A of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Tanvi Gupta on 23.05.2016 on which the FIR was registered on 09.07.2016 that on 21.11.2008 the complainant was married to Dr. Ankur Gupta, thereafter, she joined her matrimonial home at Indore, wherein she was subjected to torture and eventually she came back to Raipur with her two daughters and thereafter, the husband came to Raipur on 27.03.2016 and assaulted the

complainant. It is further alleged that she wanted to open a clinic as she was a doctor, she was forced by the husband and in-laws to transfer the clinic in favour of their relatives and she was subjected to cruelty at different point of time. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the marriage was performed in the year 2008 and out the wedlock, two children were born in the year 2011 and 2014 and because of the fact that the complainant do not want to stay at Indore and she wanted to open her clinic at Raipur and both the parties could not agree, therefore, false allegations have been attributed. It is further submitted that notice was served on 14.04.2016 when the complainant deserted and thereafter, the case was filed under Section 13 (a) (1) of the Hindu Marriage Act for divorce in the month of April and thereafter, the report was made. Therefore, the counsel prays that the applicants may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned counsel for the State opposes the application for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the case diary, documents and the report made by the complainant on 23.05.2016 and also perused the statement of the victim. The marriage was of the year 2008 and thereafter as appears there has been exchange of notice was also taken place. Considering the nature of allegation and the facts and circumstances of this case, this Court is inclined to extend the benefit of anticipatory bail to the applicants, as no custodial interrogation may be required in this case.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection

with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each 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) that the applicants 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/-
(Goutam Bhaduri)
Judge