

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 885 of 2016**

1. Man-Mohan Gopal S/O Late Shri Bans Gopal, Aged About 62 Years R/O Wz / 294/9, G - Block, Jail Road, Hari Nagar, New Delhi (India) - 110058
2. Sunita Gopal , W/O Man- Mohan Gopal, Aged About 60 Years R/O Wz / 294/9, G - Block, Jail Road, Hari Nagar, New Delhi (India) - 110058

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Sarkanda, District Bilaspur (Chhattisgarh)

---- Respondent

For Applicants : Mr. Yogesh Pandey, Advocate

For Respondent/State : Mr. Anand Bajpai, Panel Lawyer.

For Objector : Mrs. Silpi Shrivastava is present
along with Mr.S.B. Pandey, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****23-09-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicants apprehending their arrest in connection with Crime No. 444 of 2016 registered at Police Station Sarkanda, District Bilaspur (CG) for offence punishable under Sections 498-A of the IPC.
2. Case of the prosecution, in brief, is that a report was made by Smt. Silpi Shrivastava on 5-7-2016 wherein it is stated that she was married to Varun Gopal on 9-2-2013. Subsequently, she joined her matrimonial house at Australia wherein she was subjected to cruelty and thereafter when she came to Bilaspur in the month of October 2015, her husband came to Bilaspur and demanded divorce and also demanded money and she was subjected to

cruelty and torture. It is alleged that whenever the complainant was subjected to torture it was being supported by present applicants i.e., mother-in-law and father-in-law of the complainant and different allegations were leveled against each other and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that after marriage initially she went to Dubai and from there they reached to Australia and thereafter she came to Hyderabad to prosecute her studies. When her husband came to Hyderabad, he could discover that his wife was in adulterous life and as such they came to Bilaspur where in-laws of the complainant are residing and everything was explained and a case was filed for divorce in the month of November, 2015. Subsequently, an application for grant of maintenance under Section 24 of the Hindu Marriage Act was filed before the court below in the month of February 2016. Thereafter, during such period no allegations of cruelty were leveled against the present applicants or her husband. It was for the first time on 5-7-2016 police report was made wherein it is stated that demand of Rs.4,00,000/- has been made. It is further submitted that no allegations have been attributed against the present applicants, who are mother-in-law and father-in-law. Therefore, considering the facts and circumstances the applicants may be extended the benefit of anticipatory bail.
4. *Per contra*, learned State counsel and also counsel for learned objector oppose the prayer for grant of anticipatory bail.
5. Mrs. Silpi Shrivastava, Objector is also present in Court and she made a submission that in case anticipatory bail is granted to the applicants, they may flee away from the country since their son is

already residing at Australia who is having citizenship of Australia and they will be out of the reach of the Court and they cannot be brought back to face the trial. It is further submitted that present applicants who are mother-in-law and father-in-law were also made party to crime, therefore, they may not be granted anticipatory bail.

6. I have heard learned counsel for the parties, perused the case diary and documents
7. Perused the statement of the complainant.
8. Considering the statement of the complainant as against the complainant, further considering rival submissions of the parties and further taking into allegations leveled against the present applicants and considering the fact that the applicants who are mother-in-law and father-in-law of the complainant are aged about 62 and 60 years, I am inclined to extend benefit of anticipatory bail to the applicants
9. 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, applicants shall be released on bail by the officer arresting them on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:
 - (i) that since the apprehension has been made that the applicants are trying to flee away by selling of the property at Delhi, it is observed that they shall deposit their pass-ports before concerned Police Station and without permission of the Court they shall not travel out of India;

(ii) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required.

(iii) 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;

(iv) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(v) 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

Raju