

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 171 of 2017**

Moti Singh S/o Kanwal Singh Thakur, aged about 36 years, R/o Sothar,
PS Jarhagaon, Mungeli, District Mungeli (CG).

-----Applicant

Versus

State of Chhattisgarh Through : Police Station Kabirdham (Kawardha),
Distt. Kabirdham (Kawardha).

---- Respondent

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MCRC (A) No. 177 of 2017

1. Smt. Yashoda Thakur, W/o Kanwal Singh Thakur, Aged about 50 years;
2. Kanwal Singh Thakur, S/o late Bodhan Singh, aged about 55 years
Both R/o Sodhar, PS Jarhagaon, Mungeli, District Mungeli (CG).

-----Applicants

Versus

State of Chhattisgarh Through : Police Station Kabirdham (Kawardha),
Distt. Kabirdham (Kawardha).

---- Respondent

For Applicants	:	Shri Pragalbh Sharma, Advocate.
For Respondent	:	Shri Ashok Swarnakar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

18/05/2017

1. Since both the bail applications arise out of same Crime No. 33 of 2017 therefore, they are being disposed of by this common order.
2. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.33 of 2017 registered at Police Station Kabirdham (Kawardha) for the offence punishable under Sections 498-A IPC.
3. As per case of the prosecution, the applicants in support of the other

family members have tortured, harassed and subjected the complainant to ill treatment right from the date of marriage which took place on 26.05.2011 i.e. about 6 years ago.

4. Learned counsel appearing for the applicants submits that it is a case where the present applicants have been falsely implicated in the case because of the strain relationship they had with the complainant. The complainant herein is Sub inspector in the Police Department and is presently posted at District Rajnandgaon whereas, the applicant-Husband-Moti Singh was working as Shiksha Karmi, but subsequently his services got terminated and as on date he is unemployed. He further submits that the fact that the Husband become unemployed has created further difference between them and is the main reason for the strained relationship. The allegations against the applicants are also general and omnibus. Therefore, the applicants be granted anticipatory bail.
5. The State Counsel opposes the bail application on the ground that it is a case where there is written complaint by the complainant that she was being subjected to ill treatment and cruelty by the applicants.
6. Having heard the counsel appearing for the either side and on perusal of case diary, what reflects is that right from year 2011 to 2017, the complainant did not make any complaint against the applicants in respect of ill treatment, torture or cruelty which has been alleged to have been met at the hands of the applicants. Indisputably, the complainant herein is Sub Inspector in the Police Department and the applicant-Moti Singh, Husband of the complainant, is unemployed. Further, taking into consideration the fact that in the complaint also there is no specific allegations of any specific date or instances which is said to have been committed by the applicants, the allegations prima facie are general and omnibus. Thus, keeping in view the judgment of Supreme Court in case of Arnesh Kumar Vs. State of Bihar and Another, 2014 (8) SCC 273, this court is of the view that it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs.25,000/- with one surety for the like

sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:

1. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 2. The accused/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 them from disclosing such facts to the Court or to any police officer;
 3. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. 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.
8. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge

inder