

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 200 of 2017**

1. Raquiba Khatoon W/o Shri Matinul Haque Aged About 63 Years Caste Muslim, R/o House No. 120, Village- Islampur Post- Makhudumpur, Police Station Balidih, District- Bokaro, Jharkhand.
2. Farha Adiba D/o Matinul Haque Aged About 29 Years Caste Muslim, R/o House No. 120, Village- Islampur Post- Makhudumpur, Police Station Balidih, District- Bokaro, Jharkhand.
3. Shakiba Khatoon D/o Matinul Haque Aged About 21 Years Caste Muslim, R/o House No. 120, Village- Islampur Post- Makhudumpur, Police Station Balidih, District- Bokaro, Jharkhand.
4. Ashab Noumani S/o Matinul Haque Aged About 24 Years Caste Muslim, R/o House No. 120, Village- Islampur Post- Makhudumpur, Police Station Balidih, District- Bokaro, Jharkhand.

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Manendragarh, District Koriya, Chhattisgarh.

---- Non-applicant

For Applicants:	Mr. D.N. Prajapati, Advocate
For State:	Mr. Ashok Swarnkar, Panel Lawyer
For Objector:	Mr. Waquar Naiyer, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****19.05.2017**

1. Apprehending arrest in connection with Crime No. 21/2017 registered at Police Station- Manendragarh, District - Koriya(C.G.), for offence punishable under Sections 498A, 506, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. The allegation against the present Applicants as per the prosecution case is that the present Applicants have subjected the Complainant Sumaiya Khatoon to ill-treatment, torture and harassment for

demand of dowry. As per the prosecution case the present Applicants are the mother-in-law, Sister-in-law and brother-in-law of the Complainant, who is said to have been putting pressure upon the Complainant to get the fixed deposit which was in the name of the Complainant disbursed so that the amount can be used by the present Applicants.

3. According to the Complainant an amount of Rs. 10,00,000/- was given by her father at the time of her marriage as dowry which was put as a fixed deposit and the Applicants later wanted to get it disbursed or released. There is also an allegation of the husband of the Complainant and other accused persons to have subjected her to ill-treatment and assault.
4. Learned Counsel for the Applicants submits that a plain perusal of the complaint would show that there are no specific allegation made against the present Applicants except for the general and omnibus allegation of ill-treatment and harassment and also of demand of dowry. No specific incident or date has been mentioned in the complaint. Thus, prayed for grant of anticipatory bail to the Applicants.
5. Learned State Counsel as well as learned Counsel for the Objector strongly opposing the bail application submit that there are serious allegations made against the present Applicants. On account of the same they are not entitled for grant of anticipatory bail. It is also contended that the Complainant is the second wife of her husband – Hayat Tawil Shahi. His first wife is said to have also left husband of the present Complainant on the same ground of demand of and given.
6. Learned State Counsel also submits that the present Applicants were bent upon getting more and more dowry from the Complainant as is reflected from her statement and when the demand was not

met they ill-treated and subjected her to cruelty and also assaulted her.

7. On perusal of record enclosed along with the bail application and also the case diary would clearly reflect that there are only general allegation of ill-treatment, torture and cruelty against the present Applicants. Moreover, the husband of the Complainant is not before this Court. It is only the mother-in-law who is aged about 63 years and two sisters and one brother of the husband who are youths in their twenties who are before this Court. The nature of the complaint against the present Applicants are all general and omnibus. Other facts which are not disputed by the Counsel for the Objector Complainant also is that in July 2016 the Complainant has left her matrimonial home. It is also undisputed that the husband of the Complainant was working at Pune and the Complainant also had joined her husband at Pune after a brief stay at her matrimonial home after marriage. What is to be taken note of is the fact that the marriage took place on 30th September, 2015 and the Complainant left her matrimonial home in July, 2016 i.e. after just about 10 months time from the date of marriage. Meanwhile for a considerable period she was also at Pune where her husband was working. Taking into consideration these facts, this Court is of the opinion that the present is a fit case for grant of anticipatory bail.
8. Accordingly, the MCRCA is allowed.
9. 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/- each 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 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.

Sd/-

(P. Sam Koshy)
JUDGE