

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 425 of 2017**

1. Shyamlal Katakwar, S/o Rikhiram Katakwar Aged About 62 Years R/o Village Goushala Para, Beer House, Police Line, Raigarh, District Raigarh, Chhattisgarh.
 2. Smt. Kantibai Katakwar W/o Shyamlal Katakwar Aged About 56 Years R/o Village Goushala Para, Beer House, Police Line, Raigarh, District Raigarh, Chhattisgarh.
 3. Rajesh Katakwar S/o Shyamlal Katakwar, Aged About 39 Years R/o Village Goushala Para, Beer House, Police Line, Raigarh, District Raigarh, Chhattisgarh.
 4. Smt. Rambai Katakwar W/o Rajesh Katakwar Aged About 27 Years R/o Village Goushala Para, Beer House, Police Line, Raigarh, District Raigarh, Chhattisgarh.
- Applicants**

Versus

- State Of Chhattisgarh Through Police Station Birra, Janjgir Champa, District Janjgir Champa, Chhattisgarh.
- Non-Applicants**

For Applicants:	Mr. Manoj Paranjpe, Advocate
For State:	Ms. Tripti Rao, Panel Lawyer.

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****15.06.2017**

1. Apprehending arrest in connection with Crime No. 35/2017 registered at Police Station- Birra, Janjgir Champa, District Janjgir-Champa (C.G.), for offence punishable under Sections 498A read with Section 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that present applicants used to ill-treat the complainant and subject her to cruelty, torture and harassment for bringing insufficient dowry. It was also the case of the complainant that she has been physically as well as mentally tortured by the applicants and her husband, and therefore, she filed a written complaint for the first time on 1st February, 2017, upon which, criminal proceedings have been initiated.

3. Learned Counsel for the Applicants submits that it is a case where marriage of the complainant with the son of applicants No. 1 & 2 took place as early as on 05.05.2014. Barely after the marriage, the relationship between the complainant and her in-laws got strained and the complainant is said to have left the matrimonial home on 10.12.2014 and started living separately. Meanwhile, the complainant had also filed a complaint against her husband and in-laws on 06.06.2016 which got dismissed for want of prosecution on 02.02.2017. According to the applicants, no efforts have been made either to file subsequent complaint or for getting the reconciliation proceedings revived. It is also contended by the counsel for the applicants that the husband of the complainant, namely, Ritesh Katakwar had filed an application before the competent Court under Section 13 of the Hindu Marriage Act on 06.05.2017 on the ground of desertion and notices have also been issued in the said case. That it is only after receipt of notice by the complainant that the present complaint under Section 498A read with Section 34 of the I.P.C. has been lodged by a written complaint made on 01.02.2017. Thus in the given case he prays that as it is apparent that the complaint has been lodged with mala fide intention and only to counter the case filed under Section 13 of the Hindu Marriage Act, he may be enlarged on bail.
4. On the other hand, learned State Counsel, while vehemently opposing the bail application, submits that right from the time of marriage, the husband and in-laws of the complainant started harassing her and subjected her to ill-treatment and torture for bringing insufficient dowry, which prompted her to file a complaint wherein there are several allegations made against her in-laws of physical and mental torture and on these premises, she prays for rejection of bail application.
5. In the present case, it is the admitted position of the complainant having left the matrimonial home on 10.12.2014 and the present complaint has been filed by the complainant as late as on 1st February, 2017, Prima facie it appears that only to counter the case filed under Section 13 of the Hindu

Marriage Act by the husband of the complainant.

6. All these aforesaid conditions prima facie makes it a strong case for grant of anticipatory bail particularly keeping in mind the judgment of the Hon'ble Supreme Court in *Arnesh Kumar v. State of Bihar and Another* [(2014) 8 SCC 273].
7. Accordingly, the MCRCA is allowed.
8. 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 each 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