

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 432 of 2017**

1. Smt Saroj Mishra W/o Late Jageshwar Prasad Mishra Aged About 64 Years R/o Ward No. 4, Nayapara Bodri, Police Station: Chakarbhatha District Bilaspur, Chhattisgarh.
2. Babita Mishra W/o Late Manoj Mishra Aged About 44 Years R/o Ward No. 4, Nayapara Bodri, Police Station: Chakarbhatha District Bilaspur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana Bilaspur, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicants: Ms. Neha Verma, Advocate
 For State: Mr. Aditya Sharma, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****16.06.2017**

1. Apprehending arrest in connection with Crime No. 03/2017 registered at Police Station- Mahila Thana, Bilaspur (C.G.), for offence punishable under Sections 498A, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution, the allegation against the Applicant is that the Complainant - Mina Mishra had lodged a written report on 22.03.2017 at the Police Station Mahila Thana, Bilaspur. Based on the said report FIR has been lodged against the present Applicants and husband of the Complainant.
3. Learned Counsel for the Applicants submits that a plain reading of the complaint lodged by the Complainant would by itself clearly

reflect that the present Applicants are residing at Chakarbhata, Bilaspur, and the Complainant and her husband are residing at Bilaspur City, as such they are living separately and hence there was no chance of harassing and illtreating the Complainant by the present Applicants at that point of time. She further submits that the allegations leveled against the present Applicants are otherwise omnibus and general in nature and does not give specific incidents of any ill-treatment and torture being made by the present Applicants. It is further alleged that the marriage of the Complainant with the son of the Applicant No.1 took place in November, 2009 and the present complaint has been lodged in the year 2017 i.e. after about 8 years of time. Therefore, taking into consideration the facts and circumstances of the case, learned Counsel for the Applicants prays for grant of anticipatory bail to the Applicants.

4. Learned State Counsel however opposing the bail submits that there are serious allegations of assault and ill-treatment made on part of the present Applicants in as much as the Applicants were on account of the demand of dowry used to continuously ill-treat the Complainant. Learned State Counsel further submits that the statement of the Complainant also reflects that the applicants used to ill-treat her on account of her being of the lower caste and the fact that the husband of the Complainant was belonging to the upper caste, and if he would have married to someone in the same caste they would have got huge dowry.
5. Taking into consideration the rival contention put forth on either side and on perusal of record what clearly reflects is that in the instant case marriage took place in the year 2009. The complaint was lodged only on 22.03.2017. There is statement that in the year

2014 there was some dispute between the parties but the same has been compromised. If we look into the nature of the allegation it would reflect that the allegations are all general and omnibus and are not specific in nature. Moreover, it is not disputed that the present Applicants were residing separately and not residing with the Complainant and her husband, in the opinion of this Court a strong case of grant of anticipatory bail has been made out.

6. Accordingly, the MCRCA is allowed.

7. 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)
V. JUDGE**