

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 450 of 2017

1. Shravan Kumar Sahu S/o Baherik Lal Sahu Aged About 51 Years (Father In Law), R/o Science College Road, Behind Bhawani Decor, Chatideeh, City, Tahsil, District Bilaspur, Chhattisgarh.
2. Uttra Sahu W/o Shravan Kumar Sahu Aged About 47 Years (Mother In Law), R/o Science College Road, Behind Bhawani Decor, Chatideeh, City, Tahsil, District Bilaspur, Chhattisgarh.
3. Pradeep Sahu S/o Shravan Kumar Sahu Aged About 24 Years (Brother In Law), R/o Science College Road, Behind Bhawani Decor, Chatideeh, City, Tahsil, District Bilaspur, Chhattisgarh.
4. Kamal Sahu S/o Shravan Kumar Sahu Aged About 23 Years (Brother In Law), R/o Science College Road, Behind Bhawani Decor, Chatideeh, City, Tahsil, District Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station- Sarkanda, Bilaspur, District-Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Sanjay Agrawal, Advocate
For Respondent / State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

16/06/2017

Heard.

The applicants are apprehending their arrest in connection with Crime No.345/2017 registered at police station – Sarkanda, Distt. - Bilaspur (CG) for alleged commission of offence under Section 498 (A) / 34 of IPC.

2. Case of the prosecution is that the present applicant, in connivance with the co-accused – Yogendra Sahu, are said to have subjected the complainant to cruelty and ill-treatment on the issue of demand of dowry.

3. Learned counsel for the applicants submits that it is a case where the present complaint has been lodged based on baseless facts and has been filed with malafide intention to counter the case, which has been filed by the husband of the complainant under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act of 1955'). He further submits that the marriage in the instant case took place on 24/06/2012 and for quite sometime, the relation between the applicant and the complainant was in strain. Then the husband of the complainant moved an application under Section 9 of the Act of 1955 in December, 2016 and present complaint has been made after more than five months i.e. on 14/05/2017. It is further submitted that in December 2016, application under Section 9 of the Act of 1955 was filed by Yogendra Sahu- husband of the complainant and on 02/05/2017, i.e. on the date of hearing of the application under Section 9 of the Act of 1955, the complainant and her family members i.e. her father and mother are said to have assaulted Yogendra Sahu in the Court premises itself. Then, Yogendra Sahu lodged a complaint in this regard before the police authorities on 03/05/2017, a copy of which is enclosed along with the bail application. He submits that immediately to counter the application under Section 9 of the Act of 1955 and complaint which has been filed before the police authorities, present complaint has been filed which is an afterthought. He submits that even otherwise, the allegations made against the applicants are of general and omnibus in nature.

4. Learned State counsel opposes bail application and submits that the statement of the complainant reveals that she has been subjected to ill-treatment, torture and harassment on demand of dowry for a considerable period and on account of which, she left the matrimonial home.

5. Considering the facts and circumstances of the case, more particularly taking into consideration that application under Section 9 of the Act of 1955 is filed by the husband of the complainant in December, 2016 and on 02/05/2017, there was a hearing on the said application and that on the said date of hearing, the relatives of the complainant assaulted the husband of the complainant to which, report was lodged by the husband and to counter all these circumstances, present complaint has been lodged by the complainant on 14/05/2017, a *prima facie* strong case for grant of anticipatory bail is made out.

6. Accordingly, this application is allowed. It is directed that in the event of arrest of applicants in connection with the aforesaid offence, they shall be

released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one surety for the like amount to the satisfaction of the arresting officer and they shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that they 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.
- (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.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. Judge