

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 346 of 2018

1. Jaspal Singh Bhatia S/o Daljit Singh Bhatia Aged About 57 Years R/o M-23 Lalbagh, Housing Board Colony, Rajnandgaon, Police Station Basantpur, Tehsil And District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh
2. Paramjeet Kaur Bhatia W/o Jashpal Singh Bhatia Aged About 55 Years R/o M-23 Lalbagh, Housing Board Colony, Rajnandgaon, Police Station Basantpur, Tehsil And District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh
3. Satnam Singh Bhatia S/o Daljit Singh Bhatia Aged About 63 Years R/o M-23 Lalbagh, Housing Board Colony, Rajnandgaon, Police Station Basantpur, Tehsil And District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh
4. Satbir Kaur Bhatia W/o Satnam Singh Bhatia Aged About 59 Years R/o M-23 Lalbagh, Housing Board Colony, Rajnandgaon, Police Station Basantpur, Tehsil And District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh
5. Amandeep Kaur Gurudatta, W/o Daljeet Singh Gurudatta Aged About 32 Years R/o Ashok Colony, Ganesh Nagar Gondia, Maharastra, District : Gondiya , Maharashtra

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Simga, District Baloda Bazar -Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicants	:	Ms. Anubhuti Marhas, Advocate
For State	:	Shri Manish Nigam, Panel Lawyer
For Objector	:	Shri Anumeh Shrivastava, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/05/2018

Heard.

1. This application under Section 438 of Cr.P.C. has been preferred by the

applicants apprehending their arrest in connection with Crime No. 233 /2017 registered in Police Station -Simga, District- Baloda Bazar-Bhatapara, for alleged commission of offence under Sections 377, 498-A read with Section 34 IPC.

2. Case of the prosecution, in brief, is that victim Rashmeet Kaur Bhatia has been severely harassed, tortured and subjected to cruelty by the present applicants and also by other co-accused including husband. It is alleged that on the provocation and guidance of the present applicants, who are living in India, the husband of the complainant subjected her to severe cruelty, torture and unnatural act.
3. Learned counsel for the applicants would submit that the applicants are residing in India and they have been involved because they all happened to be mother-in-law, father-in-law, elder mother-in-law, father-in-law and brother-in-law of the complainant. According to learned counsel for the applicants, the allegation that these persons over phone or electronic means, used to provoke and entice the husband to commit all acts of cruelty, is improbable. It is submitted that earlier also, an incident was lodged by the complainant on 17.2.2015 which was later on compromised and the criminal case was quashed by this Court on 26.8.2015. Therefore, in these circumstances, looking to the nature of allegation against the present applicants, they may be granted anticipatory bail in view of judgment of the Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar and Anr.** (2014) 8 SCC 273.
4. On the other hand, learned counsel appearing for the State and Objector opposed the application and submits that the complainant was severely harassed and tortured and subjected unnatural act while she was sent to United States along with her husband after the first round of dispute. It is submitted that earlier also, the same kind of cruelty was meted out to the complainant but finally a compromise was arrived at in the hope that the applicants and co-accused would mend their ways, but it did not happen and when complainant went to USA along with husband, she was subjected to most severe cruelty and the present applicants, even though they were residing in India, they were the persons who were continuously provoking the complainant's husband to subject her to all kind of cruelty.

5. After hearing learned counsel for the parties and going through the records, this Court finds that according to complainant, she was subjected to physical violence, cruelty and alleged unnatural act while she was in USA along with her husband. As far as present applicants are concerned, these applicants are said to be residing in India and major allegation of physical violence and cruelty is against other co-accused. Looking to the entire circumstances of the case and the decision of the Supreme Court in the case of **Arnesh Kumar** (supra), I am inclined to protect the applicants by anticipatory bail.
6. The application is accordingly allowed. 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 arresting officer on each of them furnishing a personal bond in the sum of Rs.25,000/- along one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicants shall make themselves available for interrogation by the police officer as and when required;

(ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge