

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1405 of 2018

1. Dr. Mahendra Kumar Singh S/o Shri Upenddra Kumar Singh Aged About 34 Years R/o House No. 349 First Floor, Neeti Khand-3 Indirapuram Ghazibad Uttar Pradesh 201014., District : Ghaziabad, Uttar Pradesh
2. Upendra Kumar Singh S/o Late Kunwar Kanhaiya Kumar Singh Aged About 64 Years R/at Dilip Nagar Palace,dilip Nagar,khusinagar Uttarpardesh Pin-274402, District : Kushinagar *, Uttar Pradesh
3. Savita Singh W/o Shri Upendra Kumar Singh Aged About 60 Years R/at Dilip Nagar Palace,dilip Nagar,khusinagar Uttarpardesh Pin-274402, District : Kushinagar *, Uttar Pradesh
4. Yogendra Kumar Singh S/o Shri Upendra Kumar Singh Aged About 30 Years R/at Dilip Nagar Palace,dilip Nagar,khusinagar Uttarpardesh Pin-274402, District : Kushinagar *, Uttar Pradesh
5. Bhavya Mishra W/o Shri Prabhya Mishra Aged About 28 Years R/o Rzc -69 And 70,mcd School Road, Mahaveer Enclave, Near Raj Dairy New Delhi ., District : New Delhi, Delhi

---- Applicants

Versus

- State Of Chhattisgarh Through -S.H.O. ,police Station Mahila Thana , Civil Line District Raipur Chhattisgarh.(Wrongly Mentioned As Civil Line Thana), District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Neeraj Choubey, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Advocate.
For Objector : Mr. Sourabh Mishra, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

13/11/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.22/2018 registered at Police Station- Mahila Thana, Civil Line, District – Raipur(C.G.), for the offence punishable under Section 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that totally false allegation has been made by the complainant in this case against these applicants. Applicant No.1 is a Dentist and reside in Ghaziyabad whereas the Applicant N.2 & 3 are senior citizens and resides in Kushinagar, which is 800 km is away from Ghaziyabad. The complainant was demanding the Applicant No.1 to shift from Ghaziyabad to Durg to which the applicant No.1 has not agreed because of which false FIR has been lodged. The applicants have made efforts to reconcile and on failing in that applicant No.1 has filled application under Section 9 of Hindu Marriage Act for restitution of conjugal rights before the Family Court, Ghaziyabad. Subsequent to which, the complainant has also filed application under Section 9 of Hindu Marriage Act before the Family Court, Raipur, in which applicant No.1 has appeared. It is submitted that during the counseling with respect to the case before the Family Court, the complainant has clearly denied to reside with applicant No.1. The allegation regarding demand of dowry and cruel treatment are very much general in nature. Hence, it is prayed that applicants be enlarged on regular bail.
3. Learned State counsel opposes the bail application and the

submissions made in this respect. It is submitted that serious allegations have been made by the complainant against these applicants regarding the cruel treatment to which complainant was subjected for demand of dowry, hence, no case is made out for grant of anticipatory bail.

4. Learned counsel for Objector adopts the arguments of the State and submits that no case is made out for grant of anticipatory bail. It is submitted that the parents of the complainant have met with the huge demand of the applicants at the time of marriage, but subsequent to that their demands have not stopped, for which, the complainant was continuously tortured and her life was made miserable. On 17.2.2016, the applicants had made a demand of Rs.1 crore and to get the demand fulfilled the complainant was forced to leave her matrimonial home. The applicant No.1 is not appearing before the Family Court for mediation, which shows that the applicants do not intend to compromise or come to any solution, hence, it is prayed that the application be rejected.
5. Heard both the parties and perused the case diary.
6. Marriage of complainant Shweta Singh with applicant No.1 was performed on 19.4.2014. It is alleged, that huge demand of cash and other articles were made which was fulfilled for the performance of marriage by the father of the complainant, even then the complainant was subjected to torture and cruel treatment showing dissatisfaction for the dowry given. It is alleged that the demand by the applicants continued, for which, the complainant was continuously tortured on number of occasions. As alleged on 17.2.2016, a demand of Rs.1 crore was again made and for this the complainant was sent back to

her matrimonial home. FIR has been lodged on the basis of a written complaint on the basis of which FIR was lodged on 23.2.2018, after passing of about 2 years.

7. From the perusal of the material present in the case diary, after due consideration of each and every aspects in this case and keeping in view laid down by Supreme Court judgment of ***Arnesh Kumar vs. State of Bihar*** reported in **(2014) 8 SCC 273**, and ***Rajesh Sharma vs. State of Uttar Pradesh and Ors*** reported in **(2017) 8 SCALE 313**.

Considering there may be a possibility of compromise in this case, I am of this opinion that applicants deserves to be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 their executing a personal bond in the 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/-

(Rajendra Chandra Singh Samant)
Judge

Nisha