

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1346 of 2018

1. Parmatma Swarup Bhatnagar S/o Shri N. S. Bhatnagar Aged About 52 Years, R/o Sattipara, Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
2. Mamta Bhatnagar W/o Shri Parmatma Bhatnagar, Aged About 48 Years, R/o Sattipara, Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Mahila Police Thana Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

MCRC No. 7897 of 2018

1. Mohit Swaroop Bhatnagar S/o Shri Parmatma Swaroop Bhatnagar, Aged About 30 Years, Occupation- Teacher, Caste- Kayasth, R/o Mo. Sattipara, Police Station And Tahsil- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Mahila Thana, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

For Applicants – Mr. Neeraj Mehta, Advocate.
For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.
Mr. Nishikant Sinha, Advocate for the objector.

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

30-10-2018

1. As both these applications arise out of the same crime number, they are being decided by this common order.
2. Apprehending arrest in connection with Crime No.10/2018, registered at Police Station – Mahila Police Thana Ambikapur, District Surguja, Chhattisgarh for offence punishable under Section 498A/34 of the IPC, the applicants in MCRCA No.1346/2018 have preferred this application for grant of anticipatory bail.
3. Applicant Mohit Swaroop Bhatnagar has filed MCRC No.7897/2018 for

grant of regular bail as he has been arrested on 24-09-2018 in connection with Crime No.10/2018 registered at P.S. Mahila Thana, Ambikapur, Distt. Surguja, C.G. in connection with offence under Section 498A, 323 and 34 of the IPC, subsequently Sec. 313 of the IPC was added.

4. It is submitted by learned counsel for the applicants that these applicants have been falsely implicated in this case. No case is made out against these applicants on the basis of the material present in the case diary. Complainant Sonali Bhatnagar is wife of applicant Mohit Swaroop Bhatnagar (applicant in MCRC No.7897/2018) and daughter-in-law of applicants Parmatma Swarup Bhatnagar and Mamta Bhatnagar (applicants in MCRCA No.1346/2018), who has left her matrimonial home on 10-07-2017 and after sufficient delay the FIR has been on lodged on 20-04-2018 after due deliberation, hence, it is prayed that applicants Parmatma Swarup Bhatnagar and Mamta Bhatnagar (applicants in MCRCA No.1346/2018) may be benefited with grant of anticipatory bail and applicant Mohit Swaroop Bhatnagar (applicant in MCRC No.7897/2018) may be granted regular bail.

5. Learned counsel for the State/non-applicant opposes the application submitting that looking to the evidence present in the case diary, none of the applicants is entitled for grant of anticipatory bail or regular bail.

6. Learned counsel for the objector after adopting the argument advanced by the State counsel submits that the complainant has made serious allegation against these applicants that they not only tortured her for demand of dowry, but also they caused miscarriage, abortion by sitting on her stomach, which she has stated in her statement to the police and the case is at initial stage of the investigation, hence, for these reasons, the applications may be rejected.

7. Heard learned counsel for the parties and perused the case diary.

8. The complainant got married to applicant Mohit Swaroop Bhatnagar (applicant in MCRC No.7897/2018) on 28-04-2017 and she has left her

matrimonial home on 10-07-2017. She has made allegation that her husband/ applicant Mohit Swarup Bhatnagar and applicants Parmatma Swarup Bhatnagar and Mamta Bhatnagar used to make demand of dowry of gold chain, bike and cash and torture her for fulfillment of the same, because of which she was compelled to leave her matrimonial home.

9. After considering on the entire material present in the case diary, it appears that the documents show that complainant left her matrimonial home on 10-07-2017 and subsequent to that she was medically examined and her pregnancy was found intact, looking to the report present in the case diary, hence, the allegation made by the complainant needs further examination. Hence, after due consideration on the evidence present on record and keeping in view the guidelines laid down by Hon'ble the Supreme Court in case of Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273, and Rajesh Sharma & Ors. Vs. State of U.P. & Ors., reported in 2017 (8) SCALE 313, I am of this view that applicants Parmatma Swarup Bhatnagar and Mamta Bhatnagar (applicants in MCRCA No.1346/2018) should be benefited with grant of anticipatory bail and applicant Mohit Swaroop Bhatnagar (applicant in MCRC No.7897/2018) should be granted regular bail.

10. Accordingly, the anticipatory bail application (MCRCA No.1346/2018) filed by applicants Parmatma Swarup Bhatnagar and Mamta Bhatnagar is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating 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 him/her from disclosing such facts to the Court or to any police officer;
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

11. MCRC No.7897/2018 filed by applicant Mohit Swaroop Bhatnagar under Section 439 of the Cr.P.C. for grant of regular bail is also allowed. It is directed that this applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

12. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge