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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1401 of 2018

1. Parminder Pal Singh Saini S/o Shri Jaswinder Singh, Aged About 30 Years R/o J. J. Colony, Pathankot Road, Opp. Hemkunt Public School, Kahanpur, Tahsil And District Jalandhar (Punjab), District : Jalandhar, Punjab
2. Tarlochan Singh S/o Jaswinder Singh, Aged About 36 Years, R/o J.J. Colony, Pathankot Road, Opp. Hemkunt Public School, Kahanpur, Tahsil And District Jalandhar (Punjab), District : Jalandhar, Punjab
3. Jaspreet Kaur W/o Tarlochan, Aged About 35 Years R/o J.J. Colony, Pathankot Road, Opp. Hemkunt Public School, Kahanpur, Tahsil And District Jalandhar (Punjab), District : Jalandhar, Punjab
4. Jaswinder Singh S/o Karam Singh Aged About 62 Years R/o J.J. Colony, Pathankot Road, Opp. Hemkunt Public School, Kahanpur, Tahsil And District Jalandhar (Punjab), District : Jalandhar, Punjab
5. Jaswinder Kaur W/o Jaswinder Singh, Aged About 58 Years, R/o J.J. Colony, Pathankot Road, Opp. Hemkunt Public School, Kahanpur, Tahsil And District Jalandhar (Punjab), District : Jalandhar, Punjab

---- Applicants

Versus

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

---- Non-applicant

For Applicants – Shri Awadh Tripathi, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-12-2018

1. Apprehending arrest in connection with Crime No.47/2018 which is arisen out of complaint Case No.133/2018 pending in the Court of JMFC Raipur, for offence punishable under Section 498-A of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants are innocent and they have been falsely implicated in this case. Complainant herself wanted her husband to leave his parental house and come to reside at Raipur to which he refused, because of which, the complainant left her matrimonial home on 15-01-2017 and then has belatedly filed a complaint on

20-08-2018 making false allegation, on the basis of which the FIR has been lodged on 03-11-2018. Hence, no case is made out against this applicant. Therefore, it is prayed that these applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that clear allegations have been made by the complainant against all the applicants regarding demand of dowry and cruel treatment, therefore, their application may be rejected.

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

5. Marriage of complainant Tajinder Kaur with applicant No.1- Parminder Pal Singh Saini was performed in the year 2016. She has alleged in her complaint that her husband has not consummated the marriage and by keeping her separate has treated her with cruelty. Further, she has alleged that when she left her husband and was living separately, her husband made a demand of Rs. Rs.5,00,000/- from her which was met with by her uncles in part by paying Rs.2,50,000/- which was though given as loan, but was not returned and it was claimed that this was paid in dowry. Hence, she was compelled to file a complaint against the applicants.

6. Considered on the entire material present in the case diary. There appears to be generality in the statement against the applicants, in fact, it is a clear case of matrimonial dispute in which the complaint is alleging that her marriage has not been consummated because of her husband. Hence, 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 these applicants should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge