

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1541 of 2018

1. Ajaj Qureshi S/o Gulam Rashid Aged About 38 Years, Ward No. 08, Near Maszid, Pendra, Tehsil And Police Station Pendra, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Rijwan Qureshi S/o Gulam Rasul Aged About 32 Years R/o Ward No. 08, Near Maszid, Pendra, Tehsil And Police Station Pendra, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Meraj Qureshi S/o Gulam Rasul Aged About 34 Years R/o Ward No. 08, Near Maszid, Pendra, Tehsil And Police Station Pendra, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Hashnen S/o Gulam Rasul Aged About 30 Years R/o Ward No. 08, Near Maszid, Pendra, Tehsil And Police Station Pendra, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Baikunthpur, District Korla, Chhattisgarh., District : Korla (Baikunthpur), Chhattisgarh

---- Respondent

For Applicants : Mr. Prakash Mishra, Advocate.
For Respondent/State : Mr. V.B. Singh, Panel Lawyer.

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

04/12/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.203/2018 registered at Police Station-Baikunthpur, District –

Koria(C.G.), for the offence punishable under Sections 498-A/34 of the Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. Marriage of applicant No.1 with the complainant Rehana was solemnized about 16 years back and they have four children. The complainant is living separately for the last about two years. After lapse of about two years she has lodged a false complaint against this applicant on 7.8.2018 based on which FIR has been lodged. The whole story is concocted, hence, it is prayed that applicant be benefited with grant of anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is allegation of demand of Rs.10 lakhs as dowry and applicant No.1 has illicit relation with some other woman because of which complainant was tortured by her husband and in-laws, hence, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The marriage of complainant and applicant No.1 is 16 years old and they have four children. It is alleged that applicant No.1 has developed illicit relation with another woman, who has come to reside in the house of the applicant, and then both of them used to torture the complainant for various reasons. The complainant was compelled to leave her matrimonial home with her children and take shelter in her parental home about two years prior to filing of written complaint. It is alleged that while she was living separately, her husband and in-laws came to her, abused her and made a statement that she can come only when she brings Rs.10 lakhs from her parental home and that the

complainant does not object to living of another woman as second wife of applicant No.1. Hence, this case.

6. Considered on the entire material present in the case diary, it is a matrimonial dispute with an issue of illicit relation of husband i.e. applicant No.1, which is the cause of dispute. Both the parties are Muslims governed by the Muslim law. After overall consideration of the material present in the case diary and keeping in view the law 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**, I am of this opinion that applicants deserves to be benefited with grant of anticipatory bail.
7. 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