

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 103 of 2019

1. Smt. Harshlata Verma W/o Ashish Verma, Aged About 31 Years, R/o C/o. Shekhar Verma, Chandani Chowk, Vikas Nagar, Near Mobile Tower, Gudhiyari, Raipur Chhattisgarh,
2. Subhash Chandra Parganiha S/o Late Girdhar Prasad Parganiha, Aged About 61 Years, R/o House No. 635/15, Behind Talwar Bhawan Subhash Nagar, Durg, District Durg, Chhattisgarh,
3. Smt. Hemin Parganiha W/o Subhash Parganiha, Aged About 51 Years, R/o House No. 635/15, Behind Talwar Bhawan Subhash Nagar, Durg, District Durg Chhattisgarh

---- Applicants

Versus

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

---- Respondent

For Applicant	:	Mr. Praveen Dhurandhar, Advocate
For Objector	:	Mr. Pradeep Singh Rathore, Advocate
For complainant	:	Mrs. Sweta Parganiha, Present in person
For Respondent	:	Ms. Smita Jha, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/02/2019

Heard.

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.50/2018 registered at Police Station-Mahila Thana, Raipur, District-Raipur (C.G.), for the offence punishable under Sections 498-A and 506/34 of Indian Penal Code.

2. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against these applicants. Applicant No. 1- Smt. Harshlata Verma, who is sister-in-law of the complainant, was not residing at the place of incident and she was resident of Raipur. Applicant Nos. 2 & 3 are in-laws of the complainant who were old aged. Totally false FIR has been made by the complainant against these applicants. The complainant wife has plainly refused to reside with her husband in the counseling procedure. When her husband sent a notice under Section 9 of the Hindu Marriage Act on 24.12.2018, as a counter-blast, this FIR has been lodged. Therefore, it is prayed that the applicants may be granted anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the contents of the FIR and the statement given by the complainant, no case is made out for grant of anticipatory bail to the applicants.
4. Learned counsel for objector submits that soon after the marriage, the husband and in-laws of the complainant started treating her with cruelty for demand of dowry. Getting harassed, the complainant on one occasion consumed poison to commit suicide but she was however, saved. The husband and in-laws were making a demand of Rs.10,00,000/- and her husband used to beat her after getting intoxicated with liquor. The complainant was forced to put her signature on an agreement in which the applicants and her husband had written terms suiting their case. Although, the complainant is willing to resume her matrimonial life but she is afraid of the hostilities of her husband and in-laws. Therefore, it is prayed that the application be rejected.

The objector is present in person before this Court and she has made a similar statement as written in her written objection.

5. Heard both the parties and perused the case diary.
6. The marriage of co-accused Lavanya Pushp Parganiha with complainant Sweta Parganiha was solemnized on 11.05.2018. It is alleged in the FIR lodged that soon after marriage the complainant was subjected to cruel treatment for demand of dowry, because of harassment given, she consumed poisonous substance on 16.06.2019. The complainant was treated in the hospital and after her recovery she was again tortured by her husband and in-laws because of which, she went to live with her parents. As the applicants and her husband refused for settlement, FIR was lodged on 26.12.2018.
7. Perused the contents of the case diary and also perused all the documents filed along with the application. One agreement was entered between complainant and her husband Lavanya Pushp Parghaniya after the incident of her consuming poison, in which there is a statement that complainant's husband was not taking her to his place of posting in Ramanujganj. After agreeing to all the terms, it is stated that the complainant has apologized for the incident of attempt to commit suicide and signed the agreement. It is submitted by the learned counsel for the objector that the complainant was forced to sign this agreement.
8. After due consideration, it appears that the matrimonial dispute between the complainant and her husband has gone up to the serious level, but still it appears that there are chances of settlement in this case and the Court has to consider this factor every time to preserve the matrimonial life of the persons concerned. Therefore, keeping in

view the observations made by the Supreme Court in the cases of Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273 and Rajesh Sharma Vs. State of Uttar Pradesh and Others reported in (2017) 8 SCALE 313, I am of the opinion that the present is a fit case where the applicants should be released on anticipatory bail.

9. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting her on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge