

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 216 of 2019**

1. Divyanshu Jaiswal, S/o Shri Virendra Kumar, Aged About 36 Years  
Software Enginer, R/o Flat No. 02-B, 2<sup>nd</sup> Floor, Shriniwas Residency,  
Near Balaji Temple, Pashan, Pune, Maharashtra, District : Pune,  
Maharashtra
2. Virendra Kumar Jaiswal S/o Late Shri Vishwanath Prasad Jaiswal  
Aged About 70 Years Retired Employee, R/o Flat No. 02 B, 2nd Floor,  
Shriniwas Residency, Near Balaji Temple, Pashan, Pune, Maharashtra,  
District : Pune, Maharashtra
3. Smt. Urmila Jaiswal W/o Shri Virendra Kumar Jaiswal, aged about 62  
Years Housewife, R/o Flat No. 02 B, 2nd Floor, Shriniwas Residency,  
Near Balaji Temple, Pashan, Pune, Maharashtra, District : Pune,  
Maharashtra

---- Applicants

**Versus**

- State of Chhattisgarh Through The Officer Incharge, Mahila Thana,  
Bilaspur, District-Bilaspur, Chhattisgarh.

---- Respondent

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|----------------|---|--------------------------------------|
| For Applicants | : | Mr. Abhishek Pandey, Advocate.       |
| For Respondent | : | Mrs. Madhunisha Singh, Panel Lawyer. |
| For Objector   | : | Mr. Akhtar Hussain, Advocate.        |

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

**08/02/2019**

1. The applicants have preferred this bail application under Section 438  
of Cr.P.C. apprehending their arrest in connection with Crime

No.59/2018 registered at Police Station- Mahila Thana, District – Bilaspur(C.G.), for the offence punishable under Section 498A/34 of the Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. Applicant No.1 is the husband, who has separated from the complainant and filed an application before the Family Court, Ambikapur for grant of decree of divorce. On coming to know about the same, the complainant has lodged this false FIR with ulterior motive. Applicants No.2 & 3 are age old persons. Hence, it is prayed that all the applicants 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 written complaint given by the complainant regarding the incidents of cruel treatment against her, no case is made out for grant of anticipatory bail.
4. Learned counsel for the Objector after adopting the arguments advanced by State counsel submitted that the applicants have crossed all the limits in torturing the complainant for demand of dowry, hence, to set an example, their application be rejected.
5. Objector Ankita Jaiswal is also present in person and she has objected to grant of bail to the applicants in this case. She submits that she has been continuously harassed by the applicants and she has also been denied her rights of maintenance by the applicants.
6. Heard both the parties and perused the case diary.
7. Marriage of applicant No.1 with complainant Ankita Jaiswal took place on 30.1.2015. the complainant stayed in matrimonial home for about

one month and thereafter she left that place and started residing separately. It is alleged that while residing with the husband she was severely tortured and beaten by her husband on number of occasions and applicant No.2 & 3 used to support applicant No.1 for these acts. The allegation against applicant No.2 & 3 is specific on this point that they had pressurized the parents of the complainant to fulfill the demand made by them at the time of marriage.

8. Considered on the entire material present in the case diary. The allegation regarding torture and cruel treatment is mainly against applicant No.1. Further, the applicants No.2 & 3 are old aged persons. Hence, on due consideration, I feel inclined to allow application of applicants No.2 and 3 and reject the application of applicant No.1.
9. Accordingly, the anticipatory bail application of applicants No.2 and 3 is allowed and it is directed that in the event of their arrest 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. They shall also abide by the following conditions :
  - (i) that applicants No.2 & 3 shall make themselves available for interrogation before the investigating officer as and when required;
  - (ii) that applicants No.2 & 3 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 applicants No.2 & 3 shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

10. The bail application of applicant No.1 is, however, rejected.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge

**Nisha**