

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 224 of 2019

1. Dinesh Kumar Pandey @ Banmali Mahraj, S/o. Late Martand Pandey, Aged About 65 Years
2. Smt. Pushpa Pandey, W/o. Dinesh Kumar Pandey, Aged About 60 Years,

Both above R/o. Bazarpara, Near Palace Lakhanpur, Police Station and Tahsil Lakhanpur, District Surguja, Chhattisgarh.

----Applicants

Versus

State Of Chhattisgarh, Through : Police Station Mahila Thana, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate
For Respondent/State : Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/03/2019

1. Apprehending arrest in connection with Crime No.01/2019, registered at Police Station – Mahila Thana, Ambikapur, District – Surguja (C.G.) for offence punishable under Section 323, 506, 498A read with Section 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present on record. The complainant herself is qualified Ayurvedic

doctor and is working in Surajpur. The complainant and her husband did not have peaceful life because of differences of opinion. Ultimately, the applicants, who are in-laws of the complainant started living separately from their son and the complainant in the year 2017. False and baseless allegation has been made by the complainant against these applicants and clearly they have no connection with the dispute, which is between the complainant and her husband. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the FIR lodged since the date of marriage 21.04.2007, the husband and the in-laws of the complainant have become dependent on the income of the complainant herself and also had made various demand on number of occasions, which have been fulfilled because of continuous torture and cruel treatment. The complainant was compelled to leave her matrimonial home and live separately taking care of her son, therefore, looking to the nature of allegation against these applicants, they are not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Marriage of the complainant Dr. Sandhya Pandey with co-accused Dr. Ravi Bhushan Pandey was performed on 21.04.2007. It is alleged in the complaint filed that the husband and in-laws, the applicants continuously tortured and treated with cruelty the complainant for demand of money from her income and from her parents on various pretexts. It is also alleged that co-accused Ravi

Bhushan Pandey is having some illicit relation with some other woman, which was one of the reason of the dispute between them. The complainant has left her matrimonial home on 09.01.2019 and thereafter, the FIR has been lodged on 17.01.2019.

6. Considered the submissions made and the contents of the case diary. Considered on the entire material present in the case diary although the names of these applicants have been added as the person, who have instigated the main accused i.e. co-accused Ravi Bhushan Pandey. There is material to show that the applicants had been living separately since 2017, hence under the facts and circumstances of this case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram