

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 228 of 2019

1. K. Santosh S/o K. Balram, Aged About 42 Years, Qtr. No. 111/B, Maitri Vihar, Supela, Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh
2. Smt. K. Laxmi W/o Balram, Aged About 65 Years, R/o Qtr. No. 116/B, Maitri Vihar, Supela, Bhilai, Tahsil and District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through District Magistrate Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Tarendra Kumar Jha, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-03-2019

1. Apprehending arrest in connection with Crime No.06/2019, registered at Police Station – Mahila Thana, Durg, District Durg, Chhattisgarh for offence punishable under Section 498-A/34 of the IPC and Section 4 of Dowry Prohibition Act, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicant No.1–K. Santosh was married with complainant after death of his first wife on 29-08-2016 by registered marriage. Applicant No.1 and his wife, the complainant, had differences in their opinion, as the complainant wanted the children from earlier marriage of applicant No.1 to be sent to the hostel and that applicant No.1 should leave his parents to reside with her. Because of this dispute applicant No.1 had given complaint to the police, on the basis of which the conciliation procedure has also taken place, in which, aforementioned dispute is mentioned. The allegation regarding cruel treatment and demand of dowry is

totally false and baseless. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that according to the allegation made by the complainant she has been subjected to torture and cruel treatment by her husband and in-laws. Her husband has some illicit relation with some other woman and also that her husband had taken savings of her about 25 lakhs and was not returning the same and also denying of having taken it. Therefore, she was compelled to leave her matrimonial home and lodge the FIR.

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

5. According to the FIR lodged against the applicants, it is alleged that soon after the marriage with complainant Anamika, applicant No.1 started ill treating her. It is alleged that applicant No.1 has assaulted and beaten her in drunken state on number of occasions and the savings made by the complainant were taken away from her and were not repaid to her by her husband. It is also alleged that one cause of dispute is that applicant No.1 was having some illicit relation with another woman.

6. Considered on the entire material present in the case diary and also perused the documents filed along with the application especially the counseling documents which mentioned that one of the dispute between the applicant No.1 and his wife was this, that the complainant wanted the children of applicant No.1 from his earlier marriage be sent to hostel, as it is mentioned in the counseling procedure. Therefore, after due consideration, I feel inclined to allow this application.

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