

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 227 of 2019

1. Vijay Khedia S/o Late Chunnilal Khedia, Aged About 66 Years (Father-in-law), R/o Opposite Vinoba Nagar Garden Vinoba Nagar, Police Station: Tarbahar Tahsil And District Bilaspur Chhattisgarh
2. Smt. Pushpa Khedia W/o Shri Vijay Khedia, Aged About 60 Years (Mother-in-law), R/o Opposite Vinoba Nagar Garden Vinoba Nagar, Police Station: Tarbahar Tahsil And District Bilaspur Chhattisgarh
3. Smt. Madhu Goyal, W/o Shri Ajay Goyal, Aged About 42 Years, R/o Pendra, Police Station: Pendra District : Bilaspur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Tarbahar, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Abhishek Sinha, Advocate.

For Non-applicant/State – Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-02-2019

1. Apprehending arrest in connection with Crime No.30/2019, registered at Police Station – Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh for offence punishable under Section 498-A, 34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that applicant No. 1 is father-in-law and applicant No. 2 is mother-in-law and applicant No. 3 is sister-in-law of the complainant. The applicant No. 3 is residing separately since about 10 years in Pendra, District- Bilaspur. It is submitted that false allegation has been made by complainant in the F.I.R. lodged, whereas, the complainant Sneha Khedia had differences with her husband Vinay Khedia for the reason that co-accused Vinay Khedia suspected that she was having illicit relation. Because of these differences, the complainant tried to commit suicide by consuming sleeping pills, regarding which complainant was given in Police Station

on 09-02-2018. The complainant left her matrimonial home on 21-01-2018 with children and when she came back on 25-02-2018 the co-accused again informed the police for the reason that he has apprehension that the complainant has suicidal tendency and she could implicate falsely. Subsequent to this, on 21-07-2018, father of the complainant made a complaint in Mahila Thana, Bilaspur in which no allegations were made against these applicants. Further, in the counseling before the Counseling Committee in Bilaspur again father has made the statement that he has no complaint with these applicants. Subsequently, the co-accused Vinay Khedia has filed a divorce petition on 24-11-2018 and thereafter, as a counter blast this F.I.R. has been lodged on 22-01-2019 involving these applicants as accused in this case which is totally unfounded. Hence, under these circumstances, it is prayed that the applicants may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application, submitting that according to the allegation made in the F.I.R. and the statement given by the witnesses, these applicants were constantly torturing the complainant for demand of dowry. Hence, no case is made out for grant of anticipatory bail to the applicants.
4. Heard learned counsel for the parties and perused the case diary.
5. Marriage of the complainant Sneha Khedia took place with the co-accused Vinay Khedia in the year 2009 and they had two issues. In the F.I.R. lodged, there are allegations that husband and in-laws of the complainant constantly used to torture her and treat her with cruelty for demand of dowry since from the beginning soon after the marriage. Hence, this case.
6. Considered on the entire material present in the case diary and also on

the documents filed along with the application which shows the development that has taken place time to time. Hence, after due consideration and keeping in view the guidelines laid down by Hon'ble the Supreme Court in case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273, and **Rajesh Sharma & Ors. Vs. State of U.P. & Ors.**, reported in 2017 (8) SCALE 313, I am of this view that these applicants should be benefited with grant of anticipatory bail.

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