

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 254 of 2019

1. Amarjeet Singh Sandhu, S/o Mahendra Singh Sandu, aged about 60 Years, R/o 4 Sadak No. 3, Quarter No. 13 E, Bhilai Nagar, Tehsil & District-Durg Chhattisgarh.
2. Kamaljet Kaur, W/o Amarjeet Singh, aged about 54 Years, R/o 4 Sadak No. 3, Quarter No. 13 E, Bhilai Nagar, Tehsil & District-Durg Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer Mahila Thana Bhilai Durg Sector-6 Bhilai, Tehsil & District-Durg Chhattisgarh.

---- Respondent

For Applicants	:	Mr. V.G. Tamaskar, Advocate.
For Respondent	:	Mrs. Madhunisha Singh, Panel Lawyer.
For Objector	:	Mr. Sunil Sahu, Advocate.

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

05/03/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.10/2019 registered at Police-Station-Mahila Thana, Sector 6 Bhilai, District – Durg(C.G.), for the offence punishable under Sections 498-A/34 of Indian Penal Code (for short 'IPC').
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against these applicants. The complaint herself does not want to reside

with the applicants who are her in-laws for the reason that her husband happens to be employed in Marchant Navy and who always reside in Bombay. She has made a totally false allegation regarding harassing and cruel treatment given by the applicants, which is as a result of counter blast to the application filed by her husband on 26.11.2018 praying for judicial separation from the complainant, hence, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the evidence present in the case diary, no case is made out for grant of anticipatory bail to this applicant.
4. Learned counsel for the Objector after adopting the arguments advanced by State counsel submitted that the complainant was residing with both these applicants and where she was subjected to cruel treatment and harassment continuously because of which she was compelled to leave her matrimonial home and lodge FIR against them, therefore, application be rejected.
5. Heard both the parties and perused the case diary.
6. Marriage of complainant with son of the applicants took place on 20.11.2017, while the complainant Sumanjeet Kaur resided with her in-laws, these applicants. It is alleged that she was subjected to mental and physical harassment by them because of which she has left her matrimonial home and has lodged FIR against them.
7. After perusing the evidence present in the case diary, considering this fact that there may be a chance of settlement in future between the parties and also keeping in view the law laid down by the Hon'ble Supreme Court in the matters of ***Arnesh Kumar vs. State of Bihar***

reported in **(2014) 8 SCC 273**, and ***Rajesh Sharma vs. State of Uttar Pradesh and Ors*** reported in **(2017) 8 SCALE 313**, I am of this opinion that applicants deserve to be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 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. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge