

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 297 of 2019

1. Dr. Hemant Kumar Sahu S/o Amrit Lal, Aged About 35 Years, Caste Sahu (Husband) (Erroneously Written as Dr. Hemant Sahu in the impugned order), R/o Mudhpar, Post Station Hasaud, Tehsil Malkharoda, Applicant No. 1, Presently Resing at Community Health Centre, Dabhra, Police Station & Tehsil Dabhra, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Amrit Lal S/o Shyamlal, Aged About 55 Years, Caste Sahu (Father-in-law), R/o Mudhpar, Post Station Hasaud, Tehsil Malkharoda, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Geeta Sahu W/o Amrit Lal, Aged About 52 Years, Caste Sahu, (Mother-in-law), R/o Mudhpar, Post Station Hasaud, Tehsil Malkharoda, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. Yogesh Sahu S/o Amrit Lal, Aged About 32 Years, Caste Sahu, (Brother in law), Presently Posted as Secretary, Village Panchayat Malkharoda Headquarter, R/o Mudhpar, Post Station Hasaud, Tehsil Malkharoda, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The District Magistrate, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants – Shri Ranbir Singh Marhas, Advocate.

For Non-applicant/State – Shri Rahim Ubwani, Panel Lawyer.

Shri Akhil Mishra, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-03-2019

1. Apprehending arrest in connection with Crime No.22/2019, registered at Police Station – Hasaud, District- Janjgir-Champa, Chhattisgarh for offence punishable under Section 498-A r/w 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 the applicants have been falsely implicated in this case. Applicant No.1 is a doctor and his wife, the complainant, is also a doctor having qualification of BAMS. Both of them had matrimonial discord because of their ego and ultimately the

complainant has left her matrimonial home on 12-02-2016. After passing of about 9 months a complaint was filed in the police station by the complainant, on which the police did not take any action. Later on, applicant No.1 had also filed an application under Section 9 of the Hindu Marriage Act which has been dismissed for non-prosecution. Subsequently, the complainant filed an application under Protection of Women from Domestic Violence Act, which is pending before the Court. As the applicant No.1 could not find any solution, he has filed the petition for divorce on 12-11-2018. Therefore, as a counter blast the false FIR has been lodged on 24-01-2019. The applicant No.1 and the complainant both were present before the counselling committee in which both of them have signed a document, in which it is stated that both of them have ego problem, because of which no settlement could take place between them and the complainant herself does not want to go back to her matrimonial home. Therefore, in the backdrop of these circumstances, it is prayed that these 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 FIR lodged and the statement given by the complainant in this case, no case is made out for grant of anticipatory bail.

4. Learned counsel for the objector opposes that application and the submission made in this respect. After adopting the argument advanced by the State counsel, it is submitted that there has always been demand of dowry from the complainant on various pretext by the applicants side and the applicants themselves have deserted the complainant. It is also submitted that the complainant was compelled to sign the document before the counselling committee, therefore, contents of the said document are not statement of the complainant herself. It is also submitted that the complainant has always wanted for settlement and still looking for it. Therefore, it is on this ground the application is opposed.

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

6. Marriage of applicant No.1 with the complainant has taken place on 14-02-2013, after passing of about 3 years, the complainant is living separately in her parental house since 12-02-2016. It is alleged that the applicants were not satisfied with the dowry given and were constantly making demand of articles and cash from the complainant, which were partly met with by the parents of the complainant, even then the harassment of the complainant continued. On 12-02-2016 the applicants themselves brought the complainant to her parental home and they left her there. Hence, this case.

7. Considered on the entire material present in the case diary. According to the submission made by the counsel for the objector, it has appeared that there is possibility of settlement as the complainant is willing for the same. As it is policy and principle in law that in case of matrimonial dispute the Court should make every effort to settle the same between the parties, therefore, for this reason, to promote the efforts for settlement, I am of this opinion that conditional anticipatory bail in this case should be granted.

8. Accordingly, the anticipatory bail application is allowed with condition. 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.

This order shall remain effective for six months, thereafter, the applicants will have the liberty to make prayer for making the order absolute.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge