

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 384 of 2019

1. Manne Chinmayi, W/o Dr. Y. Rajshekhar Aged About 35 Years R/o New Kalyani Apartment, Flat No. 10/179, RTC Colony, Four Line, Vijaywada, Andhra Pradesh.
2. Manne Jaiprakash S/o Shiv Rao Aged About 62 Years R/o New Kalyani Apartment, Flat No. 10/179, RTC Colony, Four Line, Vijaywada, Andhra Pradesh.

---- Applicants

Versus

- State of Chhattisgarh Through Police Station - Civil Line Bilaspur, District - Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. A.R.K. Rao, Advocate.
For Respondent/State	:	Mrs. Smita Jha, Panel Lawyer.
For Objector	:	Mr. Kshitij Sharma, Advocate.

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

26/03/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.54/2019 registered at Police Station-Civil Line, District-Bilaspur(C.G.), for the offence punishable under Sections 294, 384, 389, 506, 34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. Applicant No.1 is legally

wedded wife of complainant and applicant No.2 is his father-in-law. Complainant Dr. V. Rajshekhar, who himself had divorced his first wife, made a demand of Rs.1 Crore from the applicants and due to non-fulfillment of said demand, he started subjecting her to torture and cruelty in various manners. Applicants have also lodged complaint against complainant Dr. V. Rajshekar Reddy in Vijayawada, Andhra Pradesh in which complainant is apprehending his arrest. The counseling proceedings are also pending in Vijaywada but the complainant is not appearing in the counseling proceedings. As a counter blast to proceedings against the complainant, he has lodged this false FIR leveling absolute false allegation against the applicants, therefore, it is prayed that applicants be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that clear allegation of extortion and threat has been made by the complainant against these applicants, therefore, no case is made out for grant of anticipatory bail.
4. Learned counsel for the Objector after adopting the arguments advanced by State counsel submitted that soon after the marriage with applicant No.1, she started misbehaving with him and she was also insisting the complainant to leave Bilaspur and join her parents in Vijayawada. The applicants have political influence and they have also engaged some hooligans to threat the objector and his father for going to Vijaywada, who also kept the objector as a hostage for 3 to 4 hours in his hospital. The complainant is still receiving threatening phone calls. The applicants are influencing the investigation and case against the complainant. Copy of complaint given to the police and

photographs of CCTV footage showing presence of some unknown persons in the hospital have been produced and it is argued that said persons were infact brought by applicants to keep him as hostage in the hospital for some time. Hence, it is prayed that application be rejected.

5. Heard both the parties and perused the case diary.
6. According to FIR lodged, it is alleged that applicants made a demand of Rs.3 crore in the matter of divorce of complainant with applicant No.1 and threatened that if their demand is not fulfilled, they would get his family killed through naxalites. Hence, this case.
7. It is not disputed that applicant No.1 is wife of complainant and a matrimonial dispute is pending between them. Allegation of demand in made only in the statement of complainant himself and in case of matrimonial dispute and divorce matter, the wife can make a demand for permanent alimony. It is the case in which no money has been passed-on and further it is also a fact that one crime is registered against the complainant himself in Vijayawada (Andhra Pradesh). Therefore, under these circumstances, 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