

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 395 of 2019

1. Jai Bihari Panda S/o R.N. Panda Aged About 61 Years R/o Government Quarter, Near Pani Tanki, Deviganj Road, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Smt. Veena Panda W/o Jai Bihari Panda Aged About 60 Years R/o Government Quarter, Near Pani Tanki, Deviganj Road, Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicants	:	Mr. Manoj Paranjpe, Advocate.
For Respondent/State	:	Mr. Rahim Ubwani, Panel Lawyer.
For objector	:	Ms. Aprajita Gaikwad & Ms. Sangeeta Soni, Advocates.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/03/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.94/2019 registered at Police Station- Ambikapur, District– Surguja (C.G.), for the offence punishable under Sections 498A, 323, 506 r/w Section 34 of the Indian Penal Code (for short 'IPC').

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that soon after the marriage husband of complainant had made provisions for her coaching in Raipur Tutorial at Raipur, therefore, the complainant went to reside in Raipur for taking tuition. The complainant returned on 4.2.2019 and started living in her matrimonial home. According to FIR the incident had taken place on 7.2.2019 whereas the FIR was lodged belatedly on 19.2.2019. Main allegations are against the husband of complainant, whereas present applicants are parents-in-law of complainant who were not involved in the said incident. Applicant No.1 is a government servant and in case of his arrest, he would be placed under suspension. Therefore, it is prayed that application be allowed.
3. Learned State counsel opposes the bail application and the submissions. It is submitted that looking to the evidence present in case diary, no case is made out for grant of anticipatory bail. Applicant No.1 has criminal antecedent as on an earlier occasion he had threatened and abused a Judge because of which criminal case was instituted against him. The applicants and their son were prosecuted on a complaint made by earlier wife of husband of complainant. Hence, they are not entitled for grant of anticipatory bail.
4. The complainant is present in person along with her counsel Ms. Aprajita Gaikwad, Advocate. She has stated before the Court that soon after the marriage she was tortured for her features looks and she was also pressurized to do a government job and for that purpose she was sent to Raipur for coaching. Even after her return from Raipur, the applicants and her husband continued to misbehave with her and then they asked her to bring Rs.10 lacs from her parents and due to non-

fulfillment of their demand, they assaulted and thrashed her and thereby she was compelled to leave her matrimonial home and take shelter in her parental home. Applicant No.1 had also participated in assaulting and beating the complainant. It is also submitted that her husband had suppressed this fact that his marriage with the complainant was second marriage and that she was unemployed at the time of marriage. In these circumstances, the applicants are not entitled for grant of anticipatory bail.

5. In reply, it is submitted by counsel for applicants that earlier on the basis of FIR lodged by first wife of the husband of complainant, all the accused persons have been tried and acquitted by the Court below. Though this Court has granted bail to applicant No.1 in the matter of threat to Judicial Magistrate First Class, however, the prosecution against him is pending.
6. Heard both the parties and perused the case diary.
7. According to FIR lodged, the marriage of Atul Panda, son of present applicants, with complainant Alka Das was solemnized on 10.7.2018. Soon after the marriage the applicants and co-accused started expressing their dissatisfaction over the dowry given in the marriage and made a demand of Rs.10 lakhs for which the complainant was subjected to torture and cruel treatment and on one occasion the complainant was brutally beaten by her husband and these applicants who also participated in the said beating.
8. Considered on the entire material present in the case diary, looking to the evidence available against applicant No.1, I am of this opinion that no extraordinary case is made out in his favor for grant of anticipatory bail. However, regarding applicant No.2 only for the reason she is old

aged lady I feel inclined to allow her application.

9. Accordingly, the anticipatory bail application of applicant No.2 Smt. Veena Panda is allowed and it is directed that in the event of her arrest in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. She shall also abide by the following conditions :

- (i) that she shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that she 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 she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

10. The anticipatory bail application of applicant No.1-Jai Bihari Panda is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge