

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 590 of 2019

1. Bharat Bhushan Mittal S/o Late Rikhiram Mittal Aged About 70 Years
R/o Vishal Enterprises, National Highway No. 6, Takiya Ward In Front
Of Gayatri Marble, Bhandara (M.H.), District : Bhandara, Maharashtra
2. Smt. Saroj Rani Mittal W/o Bharat Bhushan Mittal, Aged About 66
Years R/o Vishal Enterprises, National Highway No. 6, Takiya Ward In
Front Of Gayatri Marble, Bhandara (M.H.), District : Bhandara,
Maharashtra

---- Applicants

Versus

- State of Chhattisgarh Through Mahila Thana Durg, District Durg
Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicants : Mr. Manoj Paranjpe with Mr. P.R. Patankar,
Advocates.

For Respondent : Mrs.Smita Jha, Panel Lawyer.

For Objector ; Mr. Amiyakant Tiwari, Advocate.

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

29/04/2019

1. The applicants have preferred this bail application under Section 438
of Cr.P.C. apprehending their arrest in connection with Crime
No.22/2019 registered at Police Station-Mahila Thana-Durg, District –
Durg(C.G.), for the offence punishable under Sections 498-A, 377,
323/34 of Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. The complainant has lodged totally false FIR making false allegations against these applicants. The marriage of complainant and son of these applicants was solemnized on 2.7.2006 and out of this marriage the complainant and her husband have two kids. Earlier a written complaint was made by the complainant at police-station-Bhandara, in which, the husband of the complainant had given statement which clearly shows that there had been dispute between husband and wife for the reason that the husband doubted chastity of his wife i.e. complainant. After passing of more than 12 years, the FIR has been lodged in this case on 26.1.2019 in police-station-Durg. In the counseling procedure that was taken up before the Family Counseling Centre, the complainant has made statement only against her husband and nothing has been stated against these applicants. Copy of the said procedure obtained under the Right to Information Act, 2005 is attached with this application. FIR lodged is a counter blast to divorce petition filed by the husband of complainant. Applicants are age-old persons, therefore, it is prayed that they may be enlarged on anticipatory bail.
3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that as per complaint and statement given by complainant Shail Mittal, she was always tortured by her husband and in-laws for bringing inadequate dowry. When her first son was born, the applicants and her husband had made a demand of Rs.20 lakhs. It is also alleged that husband of the complainant on one occasion had administered some poison to her and the applicants were actively monitoring that incident but then she was saved for the reason that the applicants and co-accused became

afraid of getting into trouble. The role of applicants in not interfering with cruel activities of husband of complainant is suggestive of the fact that it is not a simple case of matrimonial dispute. Hence, application be rejected.

4. Learned counsel for the Objector after adopting arguments advanced by State counsel submitted that the applicants shared same roof with co-accused i.e husband of complainant, where she was continuously tortured and treated with cruelty on numerous occasions on various pretext. The complainant was administered poison by the applicants and co-accused because of which she was admitted in the hospital. It was the influence of applicants that they did not get involved in any criminal case. The omission on the part of these applicants amounts to abetment which is an offence punishable under Section 109 of IPC, therefore, it is prayed that application of these applicants be rejected.
5. In reply, counsel for the applicants submits that the allegations are only against the husband. The incident of poisoning the complainant is not supported by any medical evidence. The complainant after taking support of her parents has exaggerated in making allegations, therefore, for these reasons, it is prayed that application be allowed.
6. Heard both the parties and perused the case diary.
7. Case against the applicants is this, that after the marriage of complainant with their son Amit Mittal, all of them treated the complainant with cruelty and misbehaved with her for the reason that she has not brought dowry according to their expectations. It is alleged that applicants and co-accused used to pressurize complainant for bringing more dowry and when a male child was born to the

complainant, a specific demand of Rs.20 lakhs was made. Allegation against co-accused Amit Mittal is additional that he used to have unnatural sexual intercourse with complainant. There is also statement that on one occasions some poison was administered to complainant by her husband in connivance with these applicants.

8. Considered on the nature and gravity of allegations, which are mainly directed of the applicants against the main accused also considered the old age, therefore, after over all consideration, I feel inclined to allow this application.
9. 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 them/these 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

Nisha