

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 913 of 2019

1. Manoj Kumar Jaiswal, S/o Late Ghanshyam Das Jaiswal, Aged About 44 Years R/o House No. 133, Ward No.4, Ambikapur Road, Agrsen Bhawan Marg, Pathalgaon, District- Jashpur, Chhattisgarh.
2. Smt. Neetu Jaiswal W/o Manoj Kumar Jaiswal Aged About 34 Years R/o House No. 133, Ward No. 4, Ambikapur Road, Agrsen Bhawan Marg, Pathalgaon, District- Jashpur, Chhattisgarh.
3. Smt. Tallo Bai Jaiswal, W/o Late Shri Ghanshyam Das Jaiswal, Aged About 70 Years, R/o House No. 133, Ward No. 4, Ambikapur Road, Agrsen Bhawan Marg, Pathalgaon, District- Jashpur, Chhattisgarh.
4. Smt. Babita Jaiswal, W/o Shri Shreekant Jaiswal, Aged About 47 Years R/o Ward No.7, Marari Mohalla, Balaghat, District- Balaghat, Madhya Pradesh.

---- Applicants

Versus

- State of Chhattisgarh Through Police Station- Kabeerdham, District- Kabeerdham, Chitchatting.

---- Respondent

For Applicants	:	Mr. Sanjay Agrawal, Advocate.
For Respondent	:	Mr. Aditya Sharma, Panel Lawyer.
For Objector	:	Mr. Dharmesh Srivastava, Advocate.

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

28/06/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.213/2019 registered at Police Thana-Kabeerdham, Chhattisgarh for

the offence punishable under Sections 495, 498(A) of the Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. The marriage of the co-accused with complainant Mohisha Gupta was performed on 18.6.2017. Subsequent to that dispute has arose between the parties with respect to finances, therefore, the complainant has left her husband the co-accused Anit Jaiswal and her in-laws. Firstly, she made a complaint on 4.12.2018, then she filed second complaint on 23.3.2019 making different kind of allegations. The fact is this, that applicant is a Physician and his wife the complainant is also a Physician and working in the same clinic, therefore, the applicant has transferred funds to the complainant on various occasions. A copy of bank account has filed as **Annexure-A3**. Subsequent to that, the applicant had stopped transferring the funds to the account of the complainant, hence, that is why a false FIR has been lodged against applicant and others. The offence under Section 495 of IPC is also a bailable offence, hence, 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 according to the statement of allegations levelled against each of the applicant, it is clear that they are not entitled for grant of anticipatory bail.
4. Learned counsel for the Objector after adopting arguments advanced by State counsel submitted that the co-accused Anit Jaiswal was already married and his earlier marriage was concealed at the time of marriage with the complainant. After marriage the husband of the

complainant without her willingness took possession of her finances. The complainant had purchased a house in Bilaspur prior to her marriage. On coming to know about this, the applicants started pressurizing her to transfer the same in favor of applicant No.2 and for that she was assaulted by her husband on 4.12.2018, thereafter, a report was lodged on police-station-Pathalgaon on 5.12.2018. The income of the hospital is also under the control of applicant No.1 and complainant is deprived of the same because of these activities of the applicants, the complainant then filed an application before SDO Police and then before Superintendent of Police, Kawardha. FIR has been lodged after several efforts. It is submitted that, the offence under Section 376 of IPC is also made out, hence, the application of all applicants be rejected.

5. Heard both the parties and perused the case diary.
6. Complainant has lodged FIR making allegations, that soon after marriage her husband co-accused Dr. Anit Jaiswal took her finances and she was left to make demands for her expenses. When her husband and in-laws come to know that she had purchased a house in Bilaspur before her marriage, these applicants and husband of the complainant started pressurizing her to transfer the same in the name of applicant No.2. At the same time, the co-accused Dr. Anit Jaiswal was also demanding Rs.5 lakhs from the complainant on pretext of opening a hospital. She has alleged that applicant No.3 & 4 used to pressurize her to handover her earnings that she has made prior to her marriage. In presence of these circumstances, she has filed complaint on the basis of which FIR has been lodged.
7. On perusal of the case diary, statement of the complainant and other

material present in the case diary as well as all documents that have been filed along with application and objection, it appears that mainly there is dispute of financial arrangement because of which the matrimonial discord had occurred, hence, there is possibility of compromise. For this reason 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 him by the said Court till disposal of
the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha