

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1018 of 2019

1. Smt. Murhi Bai W/o Late Manrakhan Bhuarya, Aged About 60 Years, R/o Quarter No.3, Block No.-6, Street No.-15/ B, Sector- 2, Bhilai, Tahsil and District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Smt. Uttara Nayak W/o Tikendra Nayak, Aged About 35 Years, R/o Quarter No.5, Block No.-6, Street No.-15/ B, Sector- 2, Bhilai, Tahsil and District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
3. Tarachand Bhuarya S/o Late Manrakhan Bhuarya, Aged About 29 Years, R/o Quarter No.3, Block No.-6, Street No.-15/ B, Sector- 2, Bhilai, Tahsil and District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

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

----Non-applicant

For Applicants – Shri Pushkar Sinha, Advocate.

For Non-applicant/State – Shri Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-08-2019

1. Apprehending arrest in connection with Crime No.33/2019, registered at Police Station – Mahila Thana, Durg, Distirct Durg, Chhattisgarh for offence punishable under Section 498(A), 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 mother-in-law, applicant No.2 is sister-in-law and applicant No.3 is husband of the complainant. It is because of some petty dispute the complainant started residing in her parental house and has lodged this false FIR. The applicants are prepared to compromise and settle the dispute. Therefore, it is prayed that they may be granted anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that specific allegations have been made in the FIR against these

applicants and the MLC report also reflects injuries found on body of the complainant. Therefore, the applicants are not entitled for grant of anticipatory bail.

4. None present on behalf of the objector even when the case has been called for the second round.

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

6. According to the FIR lodged, marriage of applicant No.3 and complainant Sanjana Bhuarya took place on 18-04-2017. The FIR has been lodged on 01-06-2019 alleging that soon after the marriage the complainant was subjected to torture and cruel treatment for the reason that just two days before her marriage her father-in-law had expired and it was blamed that the complainant was responsible for untoward incident. Similarly, dissatisfaction was shown regarding dowry given in the marriage for which she was subjected to cruel treatment. Hence, this case.

7. Considering that it is a case of matrimonial dispute and there may be possibility of settlement between the parties, therefore, for this reason, keeping in view the guidelines laid down by Hon'ble the Supreme Court in case of **Arnesh Kumar Vs. State of Bihar**, reported in (2014) 8 SCC 273, and **Rajesh Sharma & Ors. Vs. State of U.P. & Ors.**, reported in 2017 (8) SCALE 313, I am of this view that the applicants should be benefited with grant of anticipatory bail.

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

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge