

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1120 of 2019**

1. Ranjeet Nayar, S/o K. K. Ramchandran Nayar Aged About 39 Years R/o Qtr. No. 2B, Sadak 39, Sector 7, Bhilai, Tahsil and District- Durg, Chhattisgarh.
2. Smt. Radha R. Nayar W/o K. K. Ramchandran Nayar Aged About 65 Years R/o Qtr. No. 2B, Sadak 39, Sector 7, Bhilai, Tahsil and District- Durg, Chhattisgarh.
3. Ajit Nayar S/o Shivram Pillai Aged About 53 Years R/o Qtr. No. 52A, Avenue A, Sector-7 Bhilai, Tahsil and District- Durg, Chhattisgarh.
4. Anish Nayar S/o Ajit Nayar Aged About 24 Years R/o Qtr. No. 52A, Avenue A, Sector-7 Bhilai, Tahsil and District- Durg, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through Mahila Thana (District- Magistrate) District- Durg, Chhattisgarh.

---- Respondent

For Applicants : Shri Tarendra Kumar Jha, Advocate.

For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****20/11/2019**

1. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 41/2019 registered at Police Station Mahila Thana, Sector -6 Bhilai, District – Durg, (C.G.). for the offence punishable under Sections 498 (A) and 34 of Indian Penal Code.
2. As per the prosecution story, applicant No. 1 is the husband of complainant Archana Nayar. Their marriage was solemnized on

09.04.2009. Allegedly, after the marriage, applicants used to harass and torture the complainant on account of demand of dowry. Applicants used to assault the complainant and also thrown her out of the house alongwith her children. Complainant made a complaint and during the counselling proceedings, the matter was settled and she again started residing with the applicants. Thereafter, applicants again started to torture and harass the complainant. The matter was reported by complainant on 20.06.2019 before the police station and on the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some dispute with the complainant. He further submits that only general allegations have been made by the complainant against all the applicants. Complainant is residing separate from her in-laws for the last eight months and complainant has made complaint on 20.06.2019. Thus, *prima facie*, no case can be made out against the present applicants. Therefore, it is prayed that present applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the facts that only general allegations have been made against applicants and complainant is residing separate from her in-laws for the last eight months and she had made complaint on 20.06.2019, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection

with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge