

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1130 of 2019

1. Raman Kumar Roshan, S/o Late Anil Kumar Chourashiya, Aged About 42 Years, R/o Pariskar -2, Phase - 2, F-201, Khokhara, Circle Madingarh, Ahmedabad, District-Ahmedabad, District Ahmedabad, (Gujrat). Parmanent Address - Naya Chak, Railway Colony, Mahadev Dal Mill, Near Old Shankar Gas Godam, Bhagalpur, District-Bhagalpur, (Bihar).
2. Smt. Nutan Devi Wd/o Late Anil Kumar Aged About 64 Years R/o Pariskar -2, Phase - 2, F-201, Khokhara, Circle Madingarh, Ahmedabad, District Ahmedabad, District Ahmedabad, (Gujrat). Parmanent Address - Naya Chak, Railway Colony, Mahadev Dal Mill, Near Old Shankar Gas Godam, Bhagalpur, District Bhagalpur, (Bihar).

---- Applicants

Versus

- State of Chhattisgarh Through S.H.O. Police-Station-Mahila Thana, Durg, District-Durg, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Awadh Tripathi, Advocate.
For Respondent/State	:	Mr. Vimilesh Bajpai, Govt. Advocate.
For Objector	:	Mr. Praveen Dhurandhar, Advocate.

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

02/08/2019

1. This is the first bail application of this applicants. They have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.43/2019 registered at Police Station- Mahila Thana, Durg, District-Durg (C.G.), for the offence punishable under Section 498-A/34 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

applicant No.1 with complainant has taken place on 24.5.2014. After passing of about 5 years, the complainant has left her matrimonial home on 13.10.2014 for petty reasons. Applicant No.1 filed an application for restitution of conjugal rights on 11.6.2019. Subsequent to that, to counter the action of the applicant a false FIR has been lodged. Applicant No.1 and the complainant have resided in Ahmedabad, Gujrat whereas applicant No.2 is resident of Bhagalpur, Bihar, therefore, the allegations against applicant No.2 is baseless. Hence, it is prayed that application be allowed of both these applicants.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that looking to the statement of the complainant against the applicants, they do not deserve to be granted anticipatory bail.
4. Learned counsel for the Objector after adopting arguments advanced by State counsel submitted that applicant No.1 has concealed that he was already married and without dissolution of his earlier marriage, he performed marriage with the complainant. Applicant No.1 also concealed his age and subsequently it was found that he is about 17 years elder to the complainant. Because of aforesaid reasons disputes arose between them and as a result the applicant No.1 started subjecting the complainant to torture and cruelty. The complainant filed her first complaint on 12.1.2019 and when applicant No.1 received notice of the same for counseling, he tried to create defence by filing application for restitution of conjugal rights. It is also submitted that applicant No.1 raises finger on the character of the complainant, which is another way of torturing her. He had also kept

the complainant under lock & key during her stay with the applicant, which was other method of torturing the complainant. Hence, it is prayed that application be rejected.

5. Heard both the parties and perused the case diary.
6. According to the prosecution case, after the marriage, applicant No.1 started subjecting the complainant to cruelty and torture for demand of dowry in various ways. Hence, this case.
7. On perusal of diary statement of the complainant and other witnesses, it appears that all the allegations are mainly against applicant No.1 regarding concealment of fact of his marriage, age etc. and despite these things, applicant No.1 demanded dowry and tortured the complainant on account of non-fulfillment of dowry. Therefore, I am not feel inclined to allow anticipatory bail application of applicant No.1. However, considering the fact that applicant No.2 is a woman and resident of a different place, therefore, on this ground I feel inclined to allow her bail application.
8. Accordingly, the anticipatory bail application of applicant No.2 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. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;

- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. Anticipatory bail application of applicant No.1 is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha