

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1166 of 2019

- Dilraj Singh, S/o Late Dilip Singh Aged About 32 Years R/o O.D.- 4k C.S.E.B. Korba East, Tahsil & District- Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Chouki- Rampur, Police-Station- Kotwali, District- Korba, Chhattisgarh.

---- Respondent

MCRCA No. 1151 of 2019

- Raj Kumari Singh, W/o Late Dilip Singh, Aged About 55 Years, R/o O D-4 K C S E B Korba East, Tahsil & District Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Chouki Rampur, Police Station Kotwali, District-Korba, Chhattisgarh.

---- Respondent -

For Applicants	:	Mr. Vikas Pandey, Advocate.
For Respondent/State	:	Mr.Priyanshu Gupta, Panel Lawyer.
For Objector	:	Ms. Shivali Dubey with Mr. Shubham Dev Manek, Advocates.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/09/2019

1. As both the above applications arise out of the same crime number, therefore, they are are being disposed of by this common order.
2. Applicants in both the above cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.336/2019 registered at Police – Chowki -Rampur, Police Station - Kotwali, District – Korba(Chhattisgarh), for the offence punishable under

Sections 498(A) read with 34 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicant submits that applicants are innocent and have been falsely implicated in these cases. It is totally false that the applicants have made any demand of dowry and tortured the complainant. Applicant Dilraj Singh has filed an application under Section 24 of the Indian Marriage Act before the Family Court, Korba on 8.3.2019 on the basis of the conduct and behavior of the complainant. It is the simple case of matrimonial dispute which has been exaggerated in FIR. One of co-accused Raju David has been granted bail by the Court below, therefore, it is prayed that the applicants be granted anticipatory bail in both the cases.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that according to the material present in the case diary, no case is made out for grant of anticipatory bail.
5. Learned counsel for the Objector after adopting the arguments submitted by learned counsel for State, opposes the bail applications and submissions made in this respect. It is submitted that soon after marriage of the complainant, her husband Dilar Singh, mother-in-law and uncle-in-law made demand of dowry items which were fulfilled by the parents of the Objector after being compelled for doing so. Similarly, the applicants and co-accused realized other expenses from the parents of Objector. It is submitted that on the first wedding night, the applicant had forcefully established physical relation with the objector causing injuries to her and he also attempted to have unnatural sexual intercourse with her. He used to torture the Objector in different manners. The demand for dowry has not stopped because

of which parents of the objector had to make a payment of Rs.3 lakhs to the applicants again on 16.2.2019. They also demanded that one house be registered in the name of applicant Dilraj Singh. The objector had to make various efforts for lodging FIR against the applicants and co-accused persons and subsequent to lodging of FIR, the objector/complainant is being regularly threatened. Therefore, it is prayed that the applications of both the applicants be rejected.

6. Heard both the parties and perused the case diary.
7. Marriage of applicant Dilraj Singh with complainant Garima Shekhar was performed according to Christian rites on 1.2.2019. As alleged, soon after the marriage, the applicant and co-accused persons started demanding dowry. Some of the demands were fulfilled, however, the demand has not stopped and the prosecutrix was continuously tortured and treated with cruelty by the applicants. Hence, this case.
8. Considered on the entire material present in the case diary. Only for the reason that applicant Raj Kumari in MCRCA No.1151 of 2019 is a woman and the allegation regarding torture are mainly against the husband of the complainant, therefore, I feel inclined to allow the application of applicant Raj Kumari (MCRCA No.1151 of 2019). However, no case is made out for grant of anticipatory bail to the applicant Dilraj Singh (MCRCA No.1166 of 2019).
9. Accordingly, the anticipatory bail application of applicant Rajkumari Bai (MCRCA No.1151 of 2019) is allowed and it is directed that in the event of her arrest in connection with the above crime number, she shall be released on bail by the officer arresting her on his 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 her by the said Court till disposal of the trial.

10. So far as the application of applicant Dilraj Singh(MCRCA No.1166 of 2019) is concerned, the same is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge