

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1170 of 2019

- Riyaz Ahmed S/o Late Sheikh Maqbul Aged About 44 Years R/o M.I.G. 2- 227, Hudco, Bhilai District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate.

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

For Objector : Mr. Anish Tiwari, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/09/2019

1. The applicant has filed this first bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 405/2019, registered at Police Station Civil Lines, Distt. Bilaspur, Chhattisgarh for the offence punishable under Sections 452, 498-A, 294, 506-B read with Section 34 of the IPC.
2. As per prosecution story, marriage of daughter of the complainant namely Shifa Anjum was solemnized on 08.11.2017 in Raipur (C.G.) with co-accused Faiz Ahmad according to Muslim rituals. The applicant is the maternal father-in-law of Shifa Anjum who is residing

at Bhilai. Allegedly, after the marriage of Shifa Anjum, she has been tortured by her husband and other co-accused persons as well as present applicant on account of dowry demand. On 21.04.2019, at around 7 PM, present applicant along with other co-accused persons forcefully entered into the house of complainant Mohd. Shahid i.e. father of Shifa Anjum and started abusing him thereafter the complainant called some respected persons of his society. After some argument, the husband of Shifa Anjum has given Triple Talaak to her and left the house. Allegedly, husband of Shifa Anjum did so being instigated by the applicant who was also present at that time. On 21.04.2019 itself, Shifa Anjum made a written report to the police station Civil Lines, Bilaspur (C.G.) regarding the said background, but Police Authority has not taken any action then the complainant submitted an application under Section 156(3) of Cr.P.C. before the learned Judicial Magistrate First Class, Bilaspur (C.G.). Vide order dated 21.06.2019, learned Judicial Magistrate First Class directed the concerned Station House Officer for recording FIR. On the basis of said direction issued by learned Judicial Magistrate First Class, FIR has been lodged.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant is a resident of Bhilai (C.G.), therefore, cruelty has been done by him with Shifa Anjum *Prima Facie* not acceptable. She further submits that on 24.01.2019 also the applicant went to the house of complainant along with other co-accused persons only for bringing the wife of Faiz Ahmad i.e. Shifa Anjum, but family members of Shifa Anjum have misbehaved with them. She further submits that from the evidence collected by the prosecution, no case can be made out against the applicant.
4. Per contra, learned counsel appearing on behalf of the Objector opposes the bail application and submits that in spite of direction

given by the learned Judicial Magistrate First Class, neither the Police Authority has registered the crime nor investigated the matter for the offence punishable under Section 4 of The Muslim Women (Protection of Rights on Marriage) Act, 2019.

5. However, learned Counsel for the Applicant submits that initially in written report dated 21.04.2019 made by Shifa Anjum, it was not mentioned that the applicant has instigated the co-accused/husband to give her wife Triple Talaak. Later on, in application under Section 156(3) of Cr.P.C., false allegations have been made against the present applicant in this regard. Learned Counsel for the Applicant further submits that during counseling proceedings also, husband of Shifa Anjum has stated that he never gave Triple Talaak to her wife, therefore, *prima facie* no offence under Section 4 of the Act can be made out.
6. Learned counsel appearing on behalf of State opposes the bail application.
7. I have heard learned Counsel appearing for the parties.
8. Considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that the applicant is a resident of Bhilai (C.G.). Regarding Triple Talaak there was no allegations have been made against the applicant in written report dated 21.04.2019. In my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
9. Accordingly, the anticipatory bail application is allowed.
10. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge