

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1394 of 2019

1. Narottam Sinha S/o - Late Shri Parsu Ram Sinha Aged About 39 Years R/o - New Khursipar Bhilai, Tahsil And District Durg Chhattisgarh
2. Smt. Hemlata Sinha W/o - Shri Narottam Sinha, Aged About 26 Years R/o - New Khursipar Bhilai, Tahsil And District Durg Chhattisgarh
3. Hemant Sinha S/o - Shri Dhannulal Sinha, Caste Kalar, Aged About 40 Years R/o - Village Kannewada, Police Station Balod, Tahsil And District Balod Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The District Magistrate, Balod District Balod Chhattisgarh

---- Respondent

AND

MCRCA No. 1423 of 2019

- Jitendra Kumar Sinha S/o Shri Dhannulal Sinha, Aged About 28 Years Caste Kalar, R/o Village - Kannewada, Police Station Balod, Tahsil And District Balod Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Balod District Balod Chhattisgarh.

---- Respondent

AND

MCRCA No. 1381 of 2019

1. Dhannulal Sinha S/o Shri Narayan Singh Sinha Aged About 65 Years Caste- Kalar, R/o Village Kannewada, Tahsil And District- Balod, Chhattisgarh.
2. Smt. Paniharin W/o Shri Dhannu Lal Sinha Aged About 60 Years Caste- Kalar, R/o Village Kannewada, Tahsil And District- Balod,

Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District- Magistrate, Balod, District- Balod, Chhattisgarh.

---- Respondent

For Applicants (In MCRCa No. 1394/2019):Mr. Amiyakant Tiwari Advocate.

For Applicant (In MCRCa No. 1423/2019):Mr. Amiyakant Tiwari Advocate.

For Applicants (In MCRCa No. 1381/2019):Mr. Amiyakant Tiwari Advocate.

For Respondent/State : Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

15/11/2019

1. Learned Counsel for the applicants submits that since applicants No. 1 & 2 Narottam Sinha and Smt. Hemlata Sinha (in MCRCa No. 1394/2019) have already been arrested by the police officials, therefore, he does not want to press the instant anticipatory bail application with regard to applicants No. 1 & 2 (in MCRCa No. 1394/2019).
2. Since, the above bail applications arise out of same crime number, therefore, they are being decided by this common order.
3. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 329/2019, registered at Police Station Balod, Distt. Balod (C.G.) for the offence punishable under Section 498-A of the IPC 1860.
4. As per prosecution story, marriage between applicant Jitendra Kumar Sinha and complainant Mamta has been solemnized on 29.04.2018 at Kanker (C.G.). Applicants Dhannulal Sinha and Smt.

Paniharin are the father-in-law and mother-in-law of the complainant and applicant No. 3 Hemant Sinha is the elder brother of Jitendra Kumar. On 21.04.2019, a written complaint was lodged by the complainant alleging therein that after the marriage, the applicants had been demanded Rs. 7 Lakhs for providing job to the husband of the complainant and on the denial of the complainant, they used to beat her and also did not let her to talk to others. Usually, when the husband of prosecutrix was not in home, her brother-in-law used to molest her. It has been further alleged that all the applicants were sold the jewelry of the complainant worth Rs. 6-7 lacs and when the complainant made written complaint before the society, then the applicants admitted this fact. Thereafter, the complainant started living in her maternal house. On the basis of said complaint, lodged by the complainant, offence has been registered against the applicants.

5. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that virtually after the marriage of the complainant, she lived only 22 days in her in-laws house. She herself not wanted to live in her husband's house, therefore, she again and again left her husband's house. In this regard, the husband of the complainant Jitendra Kumar lodged complaints on 20.06.2018, 03.12.2018, 26.11.2018 & 28.01.2019 before the concerned police station. He further submits that no demand of dowry was ever made by the applicants. She herself left her in-laws house. For falsely implicating the applicants, she lodged a false complaint against them. He finally submits that the applicants are the reputed persons of their society, they are the permanent resident of above mentioned address and there is no chance of their absconding. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.

6. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
9. Accordingly, the anticipatory bail applications are allowed with regard to applicants Hemant Sinha, Jitendra Kumar Sinha, Dhannulal Sinha and Smt. Paniharin.
10. It is directed that in the event of arrest, the applicants shall be released on bail on each of them 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 them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants 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