

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1421 of 2019

1. Sunil Kumar Ishwar S/o Shri Tarani Prasad Aged About 56 Years
Resident Of Village Digghikala East Krishna Nagar, Thana Hajipur
And Sadar District Vaishali (Bihar)
2. Smt. Kalpna Devi W/o Sunil Kumar Ishawar Aged About 52 Years
Resident Of Village Digghikala East Krishna Nagar, Thana Hajipur
And Sadar District Vaishali (Bihar)

---- Applicants

Versus

- State Of Chhattisgarh Through Women Police Station Sector 6 Bhilai
Durg District Durg Chhattisgarh

---- Respondent

For Applicants	: Mr. Akhilesh Kumar, Advocate.
For Respondent/State	: Mr. Amit Verma, P.L.
For Objector	: Mr. Vipin Tiwari, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/11/2019

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 38/2019, registered at Police Station Women Police Station Sector 6 Bhilai Durg, Distt. Durg, Chhattisgarh for the offence punishable under Sections 498-A of the IPC and Section 4 of the Dowry Protection Act.
2. As per prosecution story, the applicants are the father-in-law and mother-in-law of complainant Sushmita Singh. Marriage between Sushmita and son of the applicants Kunal has solemnized in Bihar

on 18.02.2018. On 12.06.2019, an FIR has been lodged by the complainant with the averment that at the time of marriage rs. 15 lacs cash and ornaments of Rs. 5 lacs have been given by her parents as dowry. Thereafter, husband of the complainant demanded for Rs. 20,00,000/- and pressurized her for the same. As demanded Rs. 10,00,000/- somehow arranged by her side and given to her husband and the applicants. Thereafter, they again demanded for remaining amount of Rs. 10,00,000/-. On the basis of said report lodged by the complainant, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute with the complainant. Admittedly, complainant resides separately since 26.06.2018. He further submits that after the marriage, the complainant used to misbehave with the applicants and her husband and herself left the house of her husband on 28.06.2018 and started living in her maternal house. In this regard, the applicants have already informed in the concerned police station. He further submits that family members of the complainant have also committed *Marpeet* with the applicants and co-accused, for which a private complaint has also been lodged by the applicants. Thereafter, husband of the complainant has filed a petition for taking divorce under Section 13-A of the Hindu Marriage Act, for which the complainant has lodged a false report against the applicants regarding demand of dowry. He lastly submits that the applicants are the reputed person of their society, they are the permanent resident of above mentioned address and there is no chance of their absconding, therefore, they may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
5. I have heard learned Counsel for the parties.

6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the complainant herself started living separately since 28.06.2018 and lodged a report on 12.06.2019, prior to her report, the husband of the complainant already filed a petition for taking divorce under Section 13-A of the Hindu Marriage Act. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant 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