

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1454 of 2019

1. Smt. Minu Devi Trivedi W/o Bharat Nath Trivedi Aged About 59 Years R/o Flat No. 4, C. Vijaya Homes, Amethiya Nagar, Police Station Naam Kum, District Ranchi, Jharkhand.
2. Bharat Nath Trivedi S/o Late Vikaramaditya Trivedi Aged About 62 Years R/o Flat No. 4, C. Vijaya Homes, Amethiya Nagar, Police Station Naam Kum, District Ranchi, Jharkhand.
3. Smt. Sarita Devi Trivedi W/o Shri Dhruv Nath Trivedi Aged About 50 Years R/o Village Dharni Chapar, Post - Badgaon, Police Station Mairwa, District Siwan, (Bihar).
4. Chandan Trivedi S/o Shri Dhruv Nath Trivedi Aged About 24 Years R/o Village Dharni Chapar, Post - Badgaon, Police Station Mairwa, District Siwan, (Bihar).

---- Applicants

Versus

- State Of Chhattisgarh Through, Station House Officer Police Station Urla, District Raipur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Awadh Tripathi, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.
For Objector	: Mr. A.N. Pandey, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/11/2019

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. 318/2019, registered at Police Station Urla, Distt. Raipur (C.G.), for the offence punishable under Sections 498-A, 506, 34 of the IPC and Section 4 of the Dowry Prohibition Act.

2. As per prosecution story, applicants no. 1 & 2 are the mother-in-law and father-in-law of complainant Saloni Mishra. Applicant no. 3 aunt-in-law of the complainant and applicant no. 4 is the son of applicant no. 3. Marriage of the complainant was solemnized on 22.02.2019 in Ranchi with Bhaskar Trivedi son of applicants no. 1 & 2. On 25.04.2019, a written report has been lodged by the complainant alleging therein that her husband and all the applicants after marriage harassed her and demanded Rs. 10 lacs as dowry. It has been further alleged that after 2-3 days of her marriage, the applicants called her brother and mother of the complainant and made allegations on her character and regarding which they have obtained an apology letter from the complainant and sent her to her maternal house. On the basis of said complaint lodged by the complainant, offence has been registered.
3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. Only general allegations have been made by the complainant. Applicants no. 3 & 4 are the resident of village Dharni Chapar, Post - Badgaon, Police Station Mairwa, District Siwan, (Bihar). The complainant herself does not want to live with her husband and made allegation that her husband is impotent and resides separately. Thereafter, husband of the complainant filed a complaint before JMFC Ranchi alleging therein that her wife was lived only three days with him and left his house. The counsel further submits that for protecting herself, after three months of the marriage complainant lodged the complaint against her husband and the applicants. *Prima Facie* no case can be made out against the applicant, therefore, they may be granted benefit of 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 Applicants no. 3 & 4 are the resident of village Dharni Chapar, Post - Badgaon, Police Station

Mairwa, District Siwan, (Bihar). The complainant lived only three days with her husband and after three months of the marriage complainant lodged the complaint against her husband and the applicants. 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