

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1536 of 2019

1. Sanjay Kumar Gupta S/o Parasnath Gupta, aged about 38 years,
2. Parasnath Gupta S/o Late Rajnath Gupta, aged about 70 years,
3. Sahodri Gupta W/o Parasnath Gupta, aged about 65 years,
4. Raju Gupta S/o Parasnath Gupta, aged about 36 years,
5. Seema Gupta W/o Ajay Sahu, aged about 30 years

All are R/o Village Jhikki, Police Station and Tahsil Bageecha, District Jaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Mahila Thana Ambikapur,
Civil and Revenue District Sarguja (C.G.)

---- Respondent

For Applicants	:	Ms. Sangeeta Soni, Advocate
For Respondent	:	Ms. Shriya Mishra, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

15/10/2019

1. The Applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 34/219 registered at police station Mahila Thana, Ambikapur (C.G.) for the offence punishable under Section 498-A/34 of the Indian Penal Code.
2. Applicant No. 1 is husband of Complainant Preeti Gupta. Applicant Nos. 2 & 3 are father-in-law and mother-in-law of the Complainant and Applicant Nos. 3 & 4 are brother and sister of Applicant No.1. The marriage between the Complainant and Applicant No.1 was

solemnized on 22/04/2016. It is alleged that after the marriage, all the Applicants tortured and harassed the Complainant on account of demand of dowry. On 23/03/2017, father of the Complainant came and taken the Complainant with him. On 15/12/2017 her father took her to her matrimonial house, but the Applicants denied to keep her with them. Thereafter, on 17/08/2019 a written complaint has been lodged by the Complainant and on that basis offence has been registered.

3. Learned counsel appearing on behalf of the Applicants submits that the Applicants have been falsely implicated. Virtually the Complainant herself does not want to live with the Applicants. The Complainant herself had gone with her father on 23/03/2017 and till then she is residing separately. The husband filed a divorce petition, but even after receiving of notice, the Complainant did not come at her matrimonial house. On 14/04/2019, an ex-parte decree of divorced has been passed and thereafter the Complainant lodged a written complainant regarding demand of dowry. Thus, it is clear that the Applicants have been falsely implicated in the present case. She further submits that Applicant Nos. 2 & 3 are aged about 70 and 65 years respectively and suffering from various disease. Applicants 4 & 5 are married and residing separately. She prays that the Applicants may be granted benefit of anticipatory bail.
4. On the other hand, learned counsel appearing on behalf of the State opposed the bail application and submits that according to the material contained in the case diary, prima-facie the case lodged against the Applicants is made out and therefore, their bail application may be rejected.

5. I have heard counsel for the parties and perused the record.
6. Taking into consideration the submission put forth on behalf of the parties, particularly considering the fact that the Complainant has lodged the written report after passing the ex-parte decree of divorce, without further commenting on merit of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicants.
7. Accordingly, this bail application is allowed.
8. It is directed that in the event of arrest, the Applicants shall be released on bail on each of them furnishing bond in the sum of Rs.20,000/- 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 make 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.
9. Certified copy, as per rules.

Sd/-

(Arvind Singh Chandel)
Judge