

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1836 of 2019**

1. Shiv Kumar, S/o Santosh Kumar Dewangan Aged About 25 Years R/o Village Sakti, Jhoolkadam Ward No. 11, Thana Sakti, District Janjgir Champa, Chhattisgarh.
2. Santosh Kumar S/o Parmanand Dewangan Aged About 42 Years R/o Village Sakti, Jhoolkadam Ward No. 11, Thana Sakti, District Janjgir Champa, Chhattisgarh.
3. Sushila W/o Santosh Kumar Dewangan Aged About 38 Years R/o Village Sakti, Jhoolkadam Ward No. 11, Thana Sakti, District Janjgir Champa, Chhattisgarh.
4. Paramanand S/o Hetram Dewangan Aged About 74 Years R/o Village Sakti, Jhoolkadam Ward No. 11, Thana Sakti, District Janjgir Champa, Chhattisgarh.
5. Chandermati W/o Parmanand Dewangan Aged About 70 Years R/o Village Sakti, Jhoolkadam Ward No. 11, Thana Sakti, District Janjgir Champa, Chhattisgarh.

---- Applicants**Versus**

- The State of Chhattisgarh Through District Magistrate, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicants	: Shri Parag Kotecha, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****20/12/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 401/2019 registered at Police Station Sakti, District – Janjgir-Champa, (C.G.) for the offence punishable under Sections 498-A, 34 of Indian

Penal Code.

2. As per the prosecution story, marriage between complainant and applicant No. 1 was solemnized on 25.01.2019. Applicant Nos. 2, 3, 4 & 5 are the father-in-law, mother-in-law, grandfather-in-law and grandmother-in-law respectively of the complainant. On 04.10.2019 a complaint has been lodged by complainant alleging therein that after the marriage, applicants used to harass her physically and mentally on account of demand of dowry. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some dispute. He further submits that complainant herself had left her matrimonial house in the month of June, 2019 itself. Thereafter, on 05.08.2019 applicant No. 1 filed an application under Section 9 of Hindu Marriage Act for restitution of conjugal rights. After getting the knowledge about this, complainant lodged complaint against applicants to create pressure on them. *Prima facie*, no case is made out against applicants. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence

collected by the prosecution and particularly considering the fact that complainant is residing separate from her in-laws since June, 2019 and she has made report on 04.10.2019 after getting the knowledge of application filed by her husband under Section 9 of Hindu Marriage Act, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge