

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1955 of 2019

1. Wahid Hussain S/o Late Shri Nawab Hussain Aged About 70 Years
R/o West Chirmiri, Podi Colliery, Ward No. 5, Police Station Podi,
Tahsil Baikunthpur, District Korea, Chhattisgarh.
2. Jaliman Khatoon W/o Wahid Hussain Aged About 61 Years
Occupation House Wife, R/o West Chirmiri, Podi Colliery, Ward No.
5, Police Station Podi, Tahsil Baikunthpur, District Korea,
Chhattisgarh.
3. Sakina Bano D/o Wahid Hussain Aged About 26 Years W/o
Alimuddin, Occupation - Aanganbadi Worker, R/o Chhoti Bazar,
Chirmiri, Podi Colliery, Ward No. 5, Police Station Podi, Tahsil
Baikunthpur, District - Korea, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through - Station House Officer, Women
Police Station Ambikapur, District - Surguja, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1947 of 2019

- Shakir Hussain S/o Shri Wahid Hussain Aged About 35 Years,
Occupation Advocacy, R/o West Chirmiri, Podi Colliery, Ward No. 5,
Police Station Podi Tahsil Baikunthpur, District Korla, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Woman Police
Station Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant (In MCRCA No. 1955/2019): Mr. Shivendu Pandya and Mr.
S.K. Mishra, Advocates.

For Applicant (In MCRCa No. 1947/2019): Mr. Shivendu Pandya and Mr.
S.K. Mishra, Advocates.
For State/Respondent : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/12/2019

1. Since both the bail applications arise out of same crime number, therefore, they are being decided by this common order.
2. 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. 59/2019, registered at Police Station Women Police Station Ambikapur, Distt. Surguja (C.G.) for the offence punishable under Sections 498A/34 of the IPC.
3. As per prosecution story, marriage between Applicant Shakir Hussain and complainant Nagma Parveen was solemnized on 30.06.2019. Applicants (in MCRCa No. 1955/2019) are the father-in-law, mother-in-law and sister-in-law of the complainant. On 04.11.2019, complainant Nagma Parveen made a written complaint alleging therein that after her marriage all the applicants threatened her physically and mentally and also demanded Rs. 2 lacs as dowry. It has further been alleged that in the month of August 2019 when she was in applicants' house, she got pregnant, during her pregnancy lots of complications with her and operation was required, the applicants were refused to done her medical treatment and admitted her in government hospital, when she became serious, parents of the complainant take her from there and done her medical

treatment in private hospital, during her treatment, the applicants not even came to see her. On the basis of said report, offence has been registered.

4. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated by the complainant. Only general allegations have been made by the complainant against the applicants. Virtually, at the time of her medical treatment she herself gone to her parents' home. Thereafter, her treatment has been done by the applicants at Raipur. During her treatment, husband of the complainant gave some cash and sanctioned Rs. 70,000/- from *Sanjeevani Sahayta Kosh*. The Counsel further submits that applicant Shakir Hussain is an advocate and all the applicants are the reputed persons of their society. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
6. I have heard learned Counsel for the parties and perused the case diary minutely.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced learned counsel appearing for the parties and further considering the fact that only general allegations have been made by the complainant against the applicants, without further commenting on other merits of the case, in my considered opinion, the present applicants are entitled to grant of anticipatory bail.
8. Accordingly, the anticipatory bail applications are allowed.
9. 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 solvent 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 them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge