

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 253 of 2020

1. Brijbhushan Tripathi, S/o Jagatram Tripathi, Aged About 52 Years,
2. Ravi Tripathi S/o Brijbhushan Tripathi Aged About 29 Years,

Both are R/o Ashish Nagar (East) Street No. 07, Mill Para, Bhilai, District :
Durg, Chhattisgarh

3. Gaurmohan Tripathi S/o Shri Jagatram Tripathi Aged About 40 Years R/o
Kadambari Nagar, District : Durg, Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station Mahila
Thana, Durg, Chhattisgarh

---- Respondent

For Applicant/s	:	Shri T.K. Tiwari, Advocate
For State	:	Ms. Fouzia Mirza, Additional A.G.
For Objector	:	Ms. Aparajita Gaikwad, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23.06.2020

Heard.

At the outset, it is stated that during the pendency of this application, **applicant No.2 Ravi Tripathi** has been arrested and his application is therefore, rendered infructuous.

2. Applicants No. 1 & 3 are apprehending their arrest in connection with Crime No.11/2020 registered at Police Station – Mahila Thana, District – Durg, (CG) for alleged commission of offences under Sections 498-A, 294, 506 and 34 of the IPC and Section 4 of the Dowry Prohibition Act.

3. The case of the prosecution is that the complainant lodged a report on 28.01.2020 stating that the applicant along with other co-accused Ravi Tripathi and Deepak Tripathi came to her residence and they started threatening her raising demand of money and also stated that she would be murdered. There are allegation

of demand of dowry. Prosecution case is that the complainant was married to Deepak Tripathi and in the report, there are allegations of cruelty against the husband and Deepak Tripathi and other relatives/applicants.

4. Learned counsel for the applicants would submit that the complainant and Deepak Tripathi co-accused were married on 24.10.2019 and thereafter, on 04.01.2020 Deepak Tripathi went missing and a report was lodged by his brother Ravi Tripathi. Deepak was, thereafter, brought back on 06.01.2020 and was given in custody of Ravi Tripathi. Thereafter, on 08.01.2020, complainant prosecutrix lodged report against Ravi Tripathi that Ravi Tripathi is pressurizing her to get married with Deepak Tripathi, otherwise she would be killed. According to this complaint, the complainant made allegation against Ravi Tripathi only and stated that her husband Deepak is expressing his inability to with stand pressure of his family members. It is further submitted that thereafter on 28.01.2020, all together new story has been brought by way of written complaint, in which, another story of incident dated 04.01.2020 is narrated with new allegations of demand of dowry, cruelty and threat, which is an after thought and false implication.

5. On the other hand learned counsel for the State and objector oppose and submit that the complainant has given written statement on 28.01.2020, not only giving details of incident dated 04.01.2020 but also an incident dated 25.01.2020, in which, serious allegations of threat, demand of money and cruelty have been leveled against the present applicant and co-accused and offences under other Sections of IPC have already been registered against the applicants.

6. Upon *prima facie* consideration, according to complainant, she lodged a report of 08.01.2020, in which, she confined her allegations against Ravi Tripathi stating that on 04.01.2020, Ravi Tripathi threatened him. The said complaint dated 08.01.2020 is on record of case diary, which was read out by learned counsel for the State, which shows that in that complaint, another story of 04.01.2020 has been stated whereas, in complaint dated 28.01.2020 a different story of what happened on 04.01.2020 has been stated impleading Deepak Tripathi, Applicant No.1 Brijbhushan Tripathi and Applicant No.3 Gaurmohan Tripathi, therefore, submission of learned counsel for the applicants that it is a case of false allegation, so far as allegation of commission of offence under Sections 498 A, 294, 506 read with Section 34 of the IPC and Section 4 of the Dowry Prohibition Act are after thought, therefore, on this consideration, I consider present to be a fit case for grant of anticipatory bail to the applicants No. 1 & 3.

7. The application of **Applicant No.2 Ravi Tripathi** is disposed off as having

been rendered infructuous.

8. Accordingly, the application in respect to **Applicant No.1 and Applicant No.3** is allowed. It is directed that in the event of arrest of the **applicant No.1 Brijbhushan Tripathi and Applicant No.3 Gaurmohan Tripathi**, in connection with crime number 11/2020 for alleged commission of offence under Sections 498 A, 294, 506 read with Section 34 of the IPC and Section 4 of the Dowry Prohibition Act, they shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- on each count, along with one local surety for the like amount to the satisfaction of the arresting officer and they shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that 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 from disclosing such facts to the Court or to any Police Officer.
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge