

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1946 of 2019

1. Mohd. Sayyed Ali S/o Late Abdul Hafeez Aged About 66 Years R/o White House, Hameed Nagar, Near Water Tank, Barnpur Asansol Bardwan West Bangal.
2. Smt. Israt Khatun W/o Mohd. Sayyed Ali Aged About 59 Years R/o White House , Hameed Nagar, Near Water Tank, Barnpur, Asansol. Bardwan West Bangal.
3. Soaib Alam S/o Mohd. Sayyed Ali Aged About 30 Years R/o White House, Hameed Nagar, Near Water Tank, Barnpur, Asansol. Bardwan West Bangal.
4. Mohammad Shahnwaz Alam S/o Modh. Sayyed Ali Aged About 32 Years R/o White House, Hameed Nagar , Near Water Tank Barnpur, Asansol . Bardwan West Bangal.

---- Applicants

Versus

State Of Chhattisgarh Through Mahila Thana Durg Distt. Durg Chhattisgarh,
District : Durg, Chhattisgarh

---- Respondent

AND

MCRCA No. 245 of 2020

Sarfaraz Alam S/o Mohd Sayyed Ali Aged About 37 Years R/o 27-S, Sector 7,
Jasola Vihar, Okhla, South Delhi, Delhi-110025., District : New Delhi, Delhi

---- Applicant

Versus

State Of Chhattisgarh Through Mahila Thana, Bhilai Nagar, District Durg,
Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicants (In MCRCA No. 1946/2019) :Mr. Anand Shukla, Advocate.

For Applicant (In MCRCA No. 245/2020) :Mr. Anand Shukla, Advocate.

For Objector (In MCRCA No. 1946/2019) :Mr. Aman Yadav Advocate on
behalf of Mr. B.P. Singh

For Respondent/State : Mr. Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

13/02/2020

1. Since, the above 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. 70/2019, registered at Police Station Mahila Thana, Distt. Durg (C.G.) for the offence punishable under Sections 498-A R/w Section 34 of the IPC and Section 4 of the Dowry Prohibition Act.
3. As per prosecution story, applicant Surfaraz Alam is the husband, applicants Mohd. Sayyed Ali and Smt. Israt Khatun are the father-in-law and mother-in-law and applicants Soaib Alam and Mohammad Shahnwaz Alam are the brothers-in-law of complainant Shahiba Ahmad. Marriage between applicant Sarfaraz Alam and the complainant was solemnized on 27.03.2016, out of their wedlock, they have blessed with one child. On 07.09.2019, complainant made a report against the applicants alleging therein that after her marriage, all the applicants used to torture her on account of demand of dowry and also used to misbehave with her. On the basis of said report, offence has been registered.
4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that the complainant herself does not want to live with her husband in her in-laws house. She living separately from her husband since 24.06.2018. On 31.05.2019, when the husband of the complainant sent a notice for divorce with her, as a counter blast, on 07.09.2019, she lodged an FIR against the applicants. The Counsel finally submits that the applicants are the reputed persons of their society, they are the permanent resident of above mentioned address and there is no chance of their absconding. 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.
7. 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 the complainant herself residing separately from her husband since 24.06.2018. 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.
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 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