

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 185 of 2020

1. Fahmida Qureshi W/o Kamrul Ghani Qureshi Aged About 57 Years,
2. Kamrul Ghani Qureshi S/o Late Shri Abdul Ghani Aged About 67 Years

Both are R/o 18/150, Near Kamla Nivas, Azad Mohalla, District : Bhilwadi, Rajasthan

---- Petitioners

Versus

- State Of Chhattisgarh Through Police Station Mahila Thana, District : Raipur, Chhattisgarh

---- Respondent

MCRCA No. 199 of 2020

1. Shiba Qureshi W/o Muhammad Nadim Hanif, Aged About 32 Years,
2. Muhammad Nadim Hanif, S/o Muhammad Saleem, Aged About 35 Years,

Both are R/o - B / 18 - 502, Nyati Elan, Bakori Road, Wagholi, District - Pune (M. H.)

---- Petitioners

Versus

- State of Chhattisgarh Through Police Station Mahila Thana, District : Raipur, Chhattisgarh

---- Respondent

MCRCA No. 309 of 2020

- Zoheb Gani Kuraishi S/o Kamrul Ghani Qureshi Aged About 32 Years R/o 18/150, Near Kamla Nivas, Azad, Mohalla, District : Bhilwadi, Rajasthan

---- Petitioner

Versus

- State of Chhattisgarh Through P.S. Mahila, Thana, District : Raipur, Chhattisgarh

---- Respondent

For Applicant/s	:	Shri Shakti Raj Sinha, Advocate
For State	:	Shri Rahul Jha, G.A.
For Objector	:	Ms. Shriya Mishra, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17.06.2020

Heard.

1. All these bail applications (MCRCA No.185/2020 and MCRCA No.199/2020) are arising out of the same crime number and therefore, they are being disposed off by this common order.
2. At the outset, learned counsel for the applicants seeks to withdraw application of **Zoheb Gani Kuraishi** in **MCRCA No.309/2020**, with liberty to file a proper remedy in the proper forum as and when eventuality arises.
3. The applicants are apprehending their arrest in connection with Crime No.02/2020 registered at Police Station – Mahila Thana, Raipur (CG) for alleged commission of offences under Sections 498-A, 377 read with Section 34 of the IPC.
4. Prosecution allegation is that prosecutrix (Farah Moin Khan) was married to Zoheb Gani Kuraishi on 31.03.2019, thereafter, the wife/prosecutrix was residing with her husband. The husband subjected her to unnatural act raising demand of dowry. The other applicants who are father in-law, mother in-law, sister in-law and her husband, they also harassed her and subjected her to cruelty in many ways. She used to be locked inside the house, compel to do loads of house hold work on demand of big car and sum of Rs. 25 lacs. She then came to her parental house on 01.07.2019, thereafter, despite many requests made, the husband and her family members failed to respond and discharge their obligations towards the complainant.
5. Learned counsel for the applicants submits that out of a dispute between the parties, false report has been lodged. He submits that even according to prosecutrix she came back to her parental house on 01.07.2019 and report has

been lodged after six months, for which there is no explanation. He next submits that the allegation of unnatural act by husband do not involve the applicants. It is also argued that allegation of cruelty are omnibus without any specific instance, no injury has been reported.

6. On the other hand, learned counsel for the State and counsel for the Objector opposes prayer for grant of bail and submits that soon after marriage, the prosecutrix was subjected to cruelty in many ways. She was locked inside the room. She was compelled to over work. She was assaulted also. She was subjected to unnatural act by her husband and parents and other family members knowing well that she was going through this treatment, never objected this. The cruelty was being committed to extract cash and car.
7. On prima facie consideration it is found that though the prosecutrix returned from her matrimonial house on 01.07.2019, the prosecutrix in her FIR has stated that she continuously made an effort to contact the husband and willing to go back to her matrimonial house, but the husband and other relatives did not discharge their obligations towards the prosecutrix and then report was lodged. Moreover, the allegation of unnatural act is against the husband. Taking into consideration the entire material on record, present is a fit case for grant of anticipatory bail to the applicants (**Fahmida Qureshi and Kamrul Ghani Qureshi**) in **MCRCA No.185/2020** and (**Shiba Qureshi and Muhammad Nadim Hanif**) in **MCRCA No.199/2020**.
8. Accordingly, bail applications of applicants (**Fahmida Qureshi and Kamrul Ghani Qureshi**) in **MCRCA No.185/2020** and (**Shiba Qureshi and Muhammad Nadim Hanif**) in **MCRCA No.199/2020** are allowed. It is directed that in the event of arrest of the aforesaid applicants in connection with the aforesaid offence, they shall be released on bail on each of them 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