

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 323 of 2020

Murlidhar Khuntia S/o Bhuneshwar Khuntia, Aged About 52 Years Occupation Teacher, By Cast Mahkul R/o Beldegi, P.S. Patthalgaon, District Jashpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Patthalgaon, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Respondent

AND

MCRCA No. 471 of 2020

Sudhir Khuntia S/o Murlidhar Khuntia Aged About 30 Years By Caste Mahkul, At Present R/o Alok Bhattacharya, Near Lokbharti School, Ward No. 11, Rajivnagar (Ramnagar) Bhilainagar, District Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station- Patthalgaon, District Jashpur, Chhattisgarh

---- Respondent

For Applicants : Mr. Wasim Miyan, Advocate.

For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

12/06/2020

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. 14/2020, registered at Police Station Patthalgaon, Distt. Jashpur (C.G.) for the offence punishable under

Section 498-A, 34 of the IPC.

3. Applicant Murlidhar Khuntia and applicant Sudhir Khuntia is the father-in-law and the husband of the complainant namely Uma Yadav respectively. As per prosecution story, marriage between applicant Sudhir Khuntia and complainant Uma Yadav has been solemnized on 26.04.2018. On 01.10.2019, a written complaint has been filed by the complainant alleging therein that after the marriage both the applicants have tortured her on account of demand of dowry. It has been further alleged that the applicants have demanded Rs. 5 lac for opening a coaching centre in Raipur. On the basis of said complaint filed by the complainant, offence has been registered against the applicants.
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 complainant herself left her matrimonial house and resides separately since 27.04.2019. Thereafter, on 07.06.2019, a complaint under Section 9 of the Hindu Marriage Act has been filed by applicant Sudhir Khuntia for restitution of conjugal rights. Later on the present complaint has been filed by the complainant. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for both 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. Without further commenting on 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 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 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