

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 365 of 2020**

1. Pawan Soni S/o Late Rajaram Soni Aged About 40 Years R/o- House No. 957, Street-18, Mahadev Colony, Shanti Nagar, Supela, Bhilai, Tehsil And District- Durg, C.G.
2. Smt. Kalawati W/o- Late Rajaram Soni Aged About 85 Years R/o- House No. 957, Street-18, Mahadev Colony, Shanti Nagar, Supela, Bhilai, Tehsil And District- Durg, C.G.

---- Applicants**Versus**

- State Of Chhattisgarh Through- District Magistrate- Durg, District- Durg, C.G.

---- Respondent

For Applicants	:	Mr. Jaydeep Singh Yadav, Advocate.
For Respondent/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****22/06/2020**

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.62/2020 registered at police station–Jamul, District- Durg (C.G.) for alleged commission of offence under Sections 498A, 354, 294 & 34 of I.P.C.
2. Prosecution case is that the brother-in-law and mother-in-law as also the husband, co-accused harassed the complainant by beating her and also there are allegations that the applicant No.1 brother-in-law, outraged her modesty by tearing her clothes and using filthy language.
3. Learned counsel for the applicants submits that the report is fabricated and afterthought. Way back on 23.05.2019, the mother-in-law had reported regarding interference by the complainant in the running business of her younger son, the applicant No.1-Pawan Soni, on 19.01.2020, a written notice was given to the complainant against her act of interference in running business of applicant No.1-Pawan Soni and thereafter, on 12.02.2020, report has been lodged making allegation of outraging modesty said to have been committed on 28.12.2019.
4. On the other hand, learned counsel for the State opposes and submits

that specific written report of complainant has been filed, in which, she had made serious allegations of harassment and cruelty not only against husband and mother-in-law but also against brother-in-law Pawan Soni that he tornd her clothes and using filthy language.

5. On prima facie consideration, it is found that the FIR has been lodged on 12.02.2020 making of outraging modesty on 28.12.2019 between those period, no report has been lodged. Further applicants have come out with the case that on 19.01.2020, a written notice was given to the complainant not to interfere with the business of applicant No.1-Pawan Soni. It is after three weeks that FIR alleging outraging modesty has been lodged. The husband has also been granted regular bail. Applicant No.2 is mother-in-law.

6. Taking into consideration the aforesaid material and circumstances, present is a fit case for grant of anticipatory bail. The bail application is accordingly allowed.

7. Accordingly, it is directed that in the event of arrest of the 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/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicants 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 them from disclosing such facts to the Court or to any Police Officer.
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they 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

Ravi