

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 442 of 2020**

1. Devender Pal Singh S/o Late Sujan Singh, Aged About 64 Years
2. Gurusharan Singh S/o Dewander Pal Singh, Aged About 31 Years

Both are R/o Plot No. 674/675, Street 8, Model Town, Nehru Nagar, Bhilai, Durg, Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through - Police Station Mahila Thana, Sector 6, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicants
For Respondent /State

Mr. Sanjay Agarwal, Advocate
Mr. Alok Bakshi, Additional Advocate
General

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****30/6/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.26/2020, registered at Police Station Mahila

Thana, Sector-6, Durg, District Durg (CG) for the offence punishable under Sections 498(A)/34 of the IPC.

3. Applicant No.1 Devender Pal Singh is the father-in-law and applicant No.2 Gurusharan Singh is the husband of the complainant, who were married on 23.10.2018. Soon after completion of one year of marriage, the complainant has filed proceedings under Section 13 of the Hindu Marriage Act, 1955 (in short 'the Act') for grant of divorce before the Family Court, Ambikapur on 4.11.2019. She has further moved an application under Section 27 of the Act for return of '*Streedhan*'. It is informed that '*Streedhan*' has already been returned to the complainant. The proceedings under Section 125 of Cr.PC have also been filed by the complainant. It appears the complainant is employed at the Axis Bank, whereas, applicant No.2 operates a *Dhabha*. Both the parties are alleging having affairs with some other boy/girl, against each other.
4. Considering the filing of cases one after another and for the fact that applicant No.1 is the father-in-law, aged about 64 years and the present FIR dated 1.3.2020 has been lodged after filing of the divorce proceedings, I am of the opinion that present is a fit case in which the applicants should be extended the benefit of Section 438 of Cr.PC.
5. Accordingly, the application is allowed and it is directed that in the event of arrest of these applicants, they shall be released on anticipatory bail on each of them executing a personal bond for

a sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) they shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) 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 for disclosing such facts to the Court or to any Police Officer.

6. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna