

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 592 of 2020

1. Vibhuti Bhushan Acharya S/o Late Rajiv Lochan Acharya Aged About 68 Years R/o Smriti House No.6, Harsit Nagar, Mohoba Bazar, Raipur, District Raipur, Chhattisgarh.
2. Smt. Rashmi Acharya W/o Shri Vibhuti Bhushan Acharya Aged About 57 Years R/o Smriti House No.6, Harsit Nagar, Mohoba Bazar, Raipur, District Raipur, Chhattisgarh.
3. Nishant Acharya S/o Shri Vibhuti Bhushan Acharya Aged About 30 Years R/o Smriti House No.6, Harsit Nagar, Mohoba Bazar, Raipur, District Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Mahila Thana, District Durg, Chhattisgarh.

---- Respondent

AND

MCRCA No. 812 of 2020

Prashant Acharya S/o Shri Vibhuti Bhushan Acharya, Aged About 33 Years R/o House No. 198, Sector-1, Professor Colony, Police Station-Purani Basti, Raipur, District-Raipur (C.G.)

--- Applicant

Versus

State Of Chhattisgarh Through the District Magistrate District-Durg (C.G.)

---- Respondent

For Applicants in both the cases	:Ms. Sharmila Singhai, Advocate.
For Respondent/State	:Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

20/08/2020

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. 32/2020, registered at Police Station Mahila Thana Sector-6 Bhilai, Distt. Durg (C.G.) for the offence punishable under Section 498-A/34 of the IPC.
3. As per prosecution story, applicant Prashant Acharya is the husband of complainant and applicants Vibhuti Bhushan Acharya, Smt. Rashmi Acharya and Nishant Acharya are the father-in-law, mother-in-law and brother-in-law of the complainant. Marriage of the complainant was solemnized on 02.07.2017. On 14.05.2020, FIR has been lodged by the complainant alleging therein that after her marriage, the applicants tortured her and treated cruelty with her on account of demand of dowry of Rs. 20 lacs. On the basis of above, 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 cases due to some dispute with the complainant. She further submits that the complainant herself does not want to live with the applicants. Husband of the complainant is working in Merchant Navy and earlier also a dispute has taken place between them. In December 2018 also, report was made by the complainant and at that time counseling proceeding was conducted and the matter was settled between them, as per the conditions of settlement, the complainant and her husband resided separately in rented house but still the relation between both of them was not cordial. Husband of the complainant has also made a complaint against the complainant before going to his workplace. The Counsel further submits that

husband of the complainant has also sent a notice to the complainant for mutual judicial separation. On 12.05.2020, the said notice was return as unclaimed. Thereafter, as a counter blast, the present FIR has been lodged by the complainant. The Counsel further submits that from the contents of FIR itself, it discloses that since 21.03.2020, the complainant residing in her parents' house and after service of notice for judicial separation sent by husband of the complainant, FIR has been lodged by her on 14.05.2020. The Counsel lastly submits that applicant Vibhuti Bhushan Acharya is a retired person aged about 68 years, applicant Rashmi Acharya is a lady and applicant Nishant Acharya is totally a blind person. 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, after perusal of documents annexed by the applicants and particularly considering the fact that FIR has been lodged after few months of separation of the complainant. 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