

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 890 of 2020**

1. Yogesh Kumar Sidar S/o Tarachand Sidar, Aged About 29 Years R/o Village Boarda, P.S. Sakti, District : Janjgir-Champa, Chhattisgarh.
2. Smt. Sulochana Sidar, W/o Tarachand Sidar, Aged About 48 Years R/o Village Boarda, P.S. Sakti, District : Janjgir-Champa, Chhattisgarh.
3. Tishesh Kumar Sidar S/o Tarachand Sidar, Aged About 25 Years R/o Village Boarda, P.S. Sakti, District : Janjgir-Champa, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Sakti, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants	: Mr. Jeet Patel, Advocate
For Respondent/State	: Mr. Alok Nigam, G.A.
For Objector	: Mr. Ishwar Jaiswal, Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18.09.2020

1. The matter is heard through Video Conferencing.
2. The applicants have filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No.53/2020, registered at Police Station: Sakti, District: Janjgir-Champa (C.G.) for the offence punishable under Section 498 (A) & 34 of IPC.
3. After arguing at length, learned counsel for the Applicants submits that he wants to withdraw the instant anticipatory bail application with regard to Applicant No.1 namely Yogesh Kumar Sidar. However, he prays that in the event of filing of bail application u/s 439 of Cr.P.C. on behalf of the Applicant No.1, the Trial Court may be directed to decide the said application in accordance with law, as early as possible, probably, on the same date of its filing.

4. In view of the above submission, the instant anticipatory bail application is dismissed as withdrawn with regard to Applicant No.1.
5. However, the Trial Court is directed that in the event of surrender of the Applicant No.1 before the Trial Court and filing of bail application on his behalf, the Trial Court shall decide the said application in accordance with law, as early as possible, probably, on the same date of its filing.
6. In this case, the Applicant No.2 & 3 are the Mother-in-law and Brother-in-law respectively of the complainant namely Pramila Sidar. The Applicant No.1 is the husband of the complainant. The marriage of the complainant with the Applicant No.1 solemnized on 02.02.2019 as love marriage at Aarya Samaj Mandir, Raipur (C.G.). As per the prosecution story, on 10.02.2020, an FIR has been lodged by the complainant, alleging therein that, the Applicant No.1 had sexually harassed her and also the Applicant No.1 tried to marry some other girl. Initially, earlier also on 12.06.2019, the complainant lodged the report against the Applicant No.1 and after that she was living at her paternal house. It is further alleged that on 10.06.2019 all the Applicants demanded Rs.10 Lakhs as dowry. On the basis of said, offence has been registered.
7. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He submits that all the allegations are against the Applicant No.1 who is the husband of the complainant. Complainant's report dated 12.06.2019 and in her application submitted under Section 125 of Cr.P.C. dated 08.07.2019, complainant had not stated anything against the Applicant No.2 & 3 regarding demand of dowry. He also submits that the complainant is residing separately since 16.06.2019 and FIR has been lodged on 10.02.2020 therefore, it is prayed that the Applicant No.2 & 3 may be granted benefit of anticipatory bail.
8. Per contra, learned Counsel appearing on behalf of the State as well as for the Objector opposes the bail application.
9. I have heard learned Counsel for the parties.

10. Considering the facts and circumstances of the case and arguments adduced by counsel for the parties also considering that the main allegations are against the Applicant No.1, FIR has been lodged after 07-08 months and further considering that earlier in application under Section 125 dated 12.06.2019 there is no any direct allegations against the Applicant No.2 & 3, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant of anticipatory bail to the Applicant No.2 & 3.

11. Accordingly, the anticipatory bail applications are allowed with regard to the Applicant No.2 & 3 namely Smt. Sulochana Sidar & Tilesh Kumar Sidar, respectively.

12. 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