

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 941 of 2020

1. Dakeshwar Dewangan S/o Late Addharu Ram Dewangan Aged About 40 Years R/o Infront Of Sahu Aata Chaki, Changorabhatta, Karan Nagar, Raipur District Raipur, Chhattisgarh.
2. Rajni Dewangan W/o Dakeshwar Aged About 33 Years R/o Infront Of Sahu Aata Chaki, Changorabhatta, Karan Nagar, Raipur District Raipur, Chhattisgarh.
3. Kachra Bai Dewangan W/o Late Addharu Ram Dewangan Aged About 60 Years R/o Infront Of Sahu Aata Chaki, Changorabhatta, Karan Nagar, Raipur District Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through P. S. Mahila Thana Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Shri Pawan Kesharwani, Advocate.
For Respondent/State	: Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

21/09/2020

1. Heard through video conferencing.
2. The applicants have preferred the first bail application under Section 438 of Cr.P.C. for apprehending their arrest in connection with Crime No. 17/2020 registered at Mahila Thana, Bilaspur, District – Bilaspur, (C.G.) for the offence punishable under Sections 498-A, 34 of the Indian Penal Code.
3. In the present case, applicant Nos. 1, 2, 3 are the brother-in-law (*jeth*),

sister-in-law (*jethani*) and mother-in-law respectively of the complainant Twinkle Dewangan. Marriage of the complainant was solemnized with Kamal Dewangan on 20.2.2020. FIR has been lodged by the complainant alleging therein that after one month of her marriage, her husband and applicants tortured her for demand of two lakhs for some business purpose. She was also subjected to cruelty by the applicants. On the basis of the report, offence has been registered.

4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present. He further submits that main allegations are against husband of the complainant and only general allegations have been levelled against applicants. It is further submitted that during counselling proceedings, statements of the complainant and her husband were recorded where complainant has not stated anything regarding demand of dowry. Complainant levelled allegations against her husband regarding illicit relationship with other women. Thus, *prima facie*, no case is made out against present applicants as the main allegations are against husband of the complainant. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. Taking into consideration the submissions put-forth on behalf of the

parties, considering the facts and circumstances of the case, evidence collected by the prosecution and after going through the contents of statement of the complainant and her husband recorded during counselling proceedings, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

8. Accordingly, the bail application is allowed.

9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They 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