

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1068 of 2020**

1. Smt. Shivkumari Khandekar W/o Shri Mahadev Khandekar Aged About 52 Years R/o Ward No. 01, Prem Nagar Dipka Police Station Dipka District Korba Chhattisgarh
2. Kumari Rimpa Khandekar D/o Shri Mahadev Khandekar Aged About 23 Years R/o Ward No. 01, Prem Nagar Dipka Police Station Dipka District Korba Chhattisgarh
3. Kumari Leena Khandekar D/o Shri Mahdev Khandekar Aged About 21 Years R/o Ward No. 01, Prem Nagar Dipka Police Station Dipka District Korba Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through SHO Masturi District Bilaspur Chhattisgarh

---- Respondent

For Applicants	:	Shri Dheerendra Pandey, Advocate
For State	:	Smt. Hamida Siddiqui, Dy. Adv. Gen.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****01/12/2020**

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.278/2020 registered at Police Station – Masturi, District – Bilaspur CG) for alleged commission of offences under Section 498 (A), 294, 506/34 of IPC.
2. Prosecution case is that the applicant along with co-accused – husband of the prosecutrix, subjected her to torture and cruelty in connection with demand of dowry.
3. Learned senior counsel for the applicants would submit that the allegations are against the applicant made by the prosecutrix out of her disgust and revengeful attitude of involving each and every member of the family because she had dispute with her husband and she was asked to leave the matrimonial house and she was

residing in her parental house where she attempted to commit suicide by consuming phenyl tablets. It is submitted that the applicant No.1– mother-in-law resides in Korba with her own husband and the sister-in-laws are students and all of them are falsely implicated. He submits that looking to the aforesaid circumstances, particularly the allegations are mainly against the husband, in view of what has been stated by the prosecutrix, the applicants may be granted anticipatory bail as they are not likely to abscond nor in a position to adversely affect the progress of investigation.

4. On the other hand, learned State counsel submits that the prosecutrix had attempted to commit suicide and at the stage, when she was admitted in the hospital, a dying declaration was recorded which shows that the prosecutrix has stated that she was being harassed and tortured by her mother-in-law, sister-in-law and her husband. Later on, the husband of the prosecutrix had become extremely cruel and finally asked her to leave the matrimonial house as she was unable to conceive child. Therefore, a *prima facie* case is made out against the applicants.

5. From the FIR and the dying declaration which was recorded, it appears that during the allegations of harassment and cruelty, there is no specific mention of a particular incident of assault. FIR came to be lodged when the prosecutrix attempted to commit suicide and her dying declaration was recorded. She had been staying in the parental house and according to her, she was shunted out of the matrimonial house by her husband by stating that she is unable to conceive and therefore, she may leave the matrimonial house, go and commit suicide. Applicant No.1 is mother-in-law who is aged 52 years.

Considering the over all circumstances and submission, the applicants are granted benefit of anticipatory bail.

6. Accordingly, the application is allowed. 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 two local sureties for the like sum to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions:-

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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 from disclosing such facts to the Court or to any Police Officer.
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge