

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1163 of 2020

- Pramod Tiwari S/o Late Shri Balaram Tiwari Aged About 50 Years R/o Nehru Nagar Bilaspur, Police Station - City Kotwali Bilaspur, District – Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - The District Magistrate Janjgir, District – Janjgir-Champa, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1164 of 2020

1. Rajeshwar Singh Rathore, S/o Late Shri Badri Singh Rathore Aged About 58 Years R/o A/14 Shila Vihar Rajkishor Nagar Bilaspur, Police Station Sarkanda Bilaspur, District Bilaspur, Chhattisgarh.
2. Pushpa Singh Rathore W/o Shri Rajeshwar Singh Rathore Aged About 52 Years R/o A/14 Shila Vihar Rajkishor Nagar Bilaspur, Police Station Sarkanda Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The District Magistrate Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	: Shri Rakesh Kumar Jha, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

16/09/2020

1. The matter is heard through video conferencing.

2. As the both cases arise out of same crime number therefore, they are being decided by this common order.
3. The applicants have preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 317/2020 registered at Police Station Janjgir, District – Janjgir-Champa, (C.G.) for the offence punishable under Sections 498-A, 34, 354, 506 of the Indian Penal Code and Section 5 & 6 of Chhattisgarh Tonahi Pratadna Nivaran Adhiniyam, 2005.
4. According to the case of the prosecution, applicants (MCRCA No. 1164/2020) are the father-in-law and mother-in-law of the complainant. Marriage between the complainant and Sanjay Singh i.e. son of applicants (in MCRCA No. 1164/2020) was solemnized on 17.01.2019. Allegedly, after the marriage, complainant was subjected to cruelty for demand of dowry by her father-in-law, mother-in-law, her husband and her brother-in-law. It is further alleged that applicant (in MCRCA No. 1163/2020) used to do sorcery on complainant. He also used to call her *tonhi* and wanted to expelled her from the house. On the basis of the report made by the complainant on 8.7.2020, offence has been registered.
5. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that applicants (in MCRCA No. 1164/2020) are the father-in-law and mother-in-law of the complainant and only general allegations have been levelled against them. Main allegations are against the husband and brother-in-law of the

complainant and they have already been granted regular bail. He further submits that applicant namely Pramod Tiwari (in MCRC No. 1163/2020) reside in the house of the complainant on rent and he used to perform *puja* in their house. He is falsely implicated in the present case. It is further submitted that complainant is residing separate since 19.6.2019. On 12.2.2020 husband of the complainant filed petition under Section 13 of Hindu Marriage Act and thereafter, in counter-blast, complainant lodged the report on 8.7.2020. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.

6. Learned Counsel appearing for the State opposes the bail application.
7. I have heard learned Counsel appearing for the parties.
8. 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 particularly considering the fact that main allegations are against the husband and brother-in-law of the complainant and they have already been granted regular bail, also complainant is residing separate since 19.6.2019 and report has been lodged after filing of the divorce petition by the husband, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
9. Accordingly, the bail applications are allowed.
10. 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) Them shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) Them 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