

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1202 of 2020**

1. Yash Mehta, S/o Promod Mehta Aged About 30 Years R/o 55 Ward No. 37, Durg District Durg, Chhattisgarh.
2. Promod Mehta S/o Wallabhchand Mehta Aged About 55 Years R/o 55 Ward No. 37, Durg District Durg, Chhattisgarh.
3. Kusum Mehta W/o Promod Mehta Aged About 57 Years R/o 55 Ward No. 37, Durg District Durg, Chhattisgarh.
4. Prena Mehta D/o Promod Mehta Aged About 29 Years R/o 55 Ward No. 37, Durg District Durg, Chhattisgarh.

**---- Applicants****Versus**

- State Of Chhattisgarh Through P. S. Bhanpuri, District Jagdalpur, Chhattisgarh.

**---- Respondent**

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| For Applicants       | : Shri Priyank Rathi, Advocate. |
| For Respondent/State | : Shri Alok Nigam, G.A.         |

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**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. 80/2020 registered at Police Station Bhanpuri, District –

Jagdalpur, (C.G.) for the offence punishable under Sections 498-A of the Indian Penal Code.

3. In the present case, applicant No.1 is the husband of the complainant, applicant No.2,3, & 4 are the father-in-law, mother-in-law and sister-in-law of the complainant respectively. Marriage of the complainant was solemnized with applicant No.1 on 17.6.2017. On 10.7.2020 complainant made a written complaint alleging therein that after her marriage, all the applicants used to torture her on account of demand of dowry. It is further alleged that on 3.12.2019 applicants called the parents of the complainant and they all tortured the complainant in front of her parents and expelled her out of the house. Thereafter, complainant is residing separate. On the basis of the above, 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 case due to some family dispute. He further submits that for the last one year, complainant has been residing separate at Bhooj (Gujarat) i.e. birth place of applicant No.1. Thereafter, they came to Durg for attending some family function and there a dispute arose between applicants and complainant. Then complainant called her parents and left the house herself. On 2.3.2020, applicant No.1 filed an application under Section 9 of the Hindu Marriage Act, thereafter, complainant made a false and fabricated report against applicants. Complainant is residing separate since 3.12.2019 and report has been lodged on 10.7.2020. 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 FIR and the fact that complainant is residing separate since 3.12.2019 and report has been lodged on 10.7.2020 i.e. after filing of Section 9 of Hindu Marriage Act, 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**

Prakash