

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1481 of 2020**

1. Narendra Kumar Kamendra S/o Late Bharat Lal Aged About 31 Years
2. Smt. Lalita Bai Wd/o Late Bharat Lal Aged About 60 Years

Both are R/o Village Bodal Gadadih, Tahsil Patan District Durg,
Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through District Magistrate District Durg,
Chhattisgarh

---- Respondent

For Applicants	Mr. Ashutosh Mishra, Advocate
For Respondent /State	Mr. Sameer Uraon, Government Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****16/12/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.45/2020 registered at Police Station Mahila Thana, Durg, District Durg (CG) for the offence punishable under Sections 498-A and 34 of the IPC.

3. Applicant No.1 Narendra Kumar Kamendra is the husband, whereas, applicant No.2 Smt. Lalita Bai, a lady aged about 60 years, is the mother-in-law of the complainant. Applicant No.1 was married with the complainant on 19.4.2015. As per the FIR lodged on 18.8.2020, the complainant was subjected to mental and physical cruelty by the present applicants in connection with bringing less dowry in the marriage. The FIR itself demonstrates that the husband had served a legal notice on 17.7.2018 and thereafter, moved an application under Section 9 of the Hindu Marriage Act, which was withdrawn pursuant to counselling. Thereafter, a fresh legal notice was served on the complainant on 15.2.2019. As per the complainant, the applicant has performed second marriage on 17.6.2020. However, in the present crime, the only offence registered against the applicants is under Section 498-A/34 of the IPC and not under Section 494 of the IPC.
4. Considering that the proceedings under the Hindu Marriage Act between the parties was initiated way back in July 2018 but the present FIR was lodged after more than 2 years i.e. on 18.8.2020 as also for the reason that applicant No.1 is a Government Servant having been employed in the Revenue Department of the State and applicant No.2 is a lady, aged about 60 years, I am of the opinion that present is a fit case to extend the benefit of Section 438 of Cr.P.C. to the applicants.
5. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants, they shall be released on

anticipatory bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) they shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) 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 him for disclosing such facts to the Court or to any Police Officer.
- (iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

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