

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1657 of 2019

Sambeet Mahapatra S/o Shri Bijay Mahapatra Aged About 33 Years
R/o Near Mukund Prasad (Melna Padia) Khorda, Police Station Pn
College, Khorda, Odhisha.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Durg,
Chhattisgarh

---- Respondent

AND

MCRCA No. 1661 of 2019

1. Bijay Mahapatra And Ors. S/o Late Krishna Chandra Mahapatra
Aged About 62 Years R/o Near Mukund Prasad Melna Padiya,
Khorda, P S P N College Khorda, Odhisha
2. Smt. Anupama Mahapatra W/o Bijay Mahapatra Aged About 57
Years R/o Near Mukund Prasad Melna Padiya, Khorda, P S P N
College Khorda, Odhisha
3. Smt. Tandrasnata W/o Devashish Mahapatra Aged About 32 Years
R/o Flat Number 2055, Tower-2 D N Oxy Park, Khandgiri,
Bhuvneshwar, Odhisha.

---- Applicants

Versus

State Of Chhattisgarh Through The District Magistrate Durg, District
Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. B.P. Singh, Advocate, Mr. M.L. Sakat, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/01/2020

1. Since, the above bail applications arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 72/2019, registered at Police Station: Mahila Thana, Durg, District-Durg (C.G.) for the offence punishable under Section 498-A /34 of the IPC & 4 of Dowry Prohibition Act.
3. In this case Applicant in MCRCA No.1657/2019 namely Sambeet Mahapatra is the husband of the complainant namely Rashmi Mahapatra. Applicant No.1,2 & 3 in MCRCA No.1661/2019 are the Father-in-law, Mother-in-law & Sister-in-law of the complainant. Marriage between the complainant and the Applicant in MCRCA No.1657/2019 solemnized on 01.05.2015. As per prosecution story, on 21.09.2019 FIR was lodged by the complainant alleging therein that after her marriage, the Applicant and his family members demanded dowry and tortured her as well and expelled her from the house in the year 2017. On the basis of said complaint was lodged by the complainant offence has been registered against the applicants.
4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case, in order to create pressure for the Applicants the complainant has lodged the complaint against the Applicants. He submits that she is residing separately since November, 2017 and thereafter an application for taking divorce under Section 13 (1) of the Hindu Marriage Act, 1955 was submitted by the Applicant in the year 2017 and thereafter on 12.07.2018 one application under Section 125 of Cr.P.C was filed by the complainant and thereafter she had also filed application for domestic violence Act on 01.12.2018. He lastly submits that since she was residing separately

since 2017 therefore it appears that present allegations are fabricated. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that complainant is residing separately since 2017 and thereafter several litigations were pending against the parties. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
8. 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 one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/her from disclosing such facts to the Court or to any police officer;
 - III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants 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