

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1688 of 2019**

1. Ankit Agrawal, S/o Shri Satish Agrawal Aged About 29 Years R/o Rajeev Nagar, Raipur, District Raipur Chhattisgarh.
2. Satish Agrawal S/o Late C.L. Agrawal Aged About 63 Years R/o Rajeev Nagar, Raipur, District Raipur Chhattisgarh.
3. Smt. Manju Agrawal W/o Satish Agrawal Aged About 58 Years R/o Rajeev Nagar, Raipur, District Raipur Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Mahila Thana, Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicants : Shri Maneesh Sharma, Advocate.

For Respondent/State : Smt. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****02/01/2020**

1. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 47/2019 registered at Mahila Thana, Ambikapur, District – Surguja, (C.G.). for the offence punishable under Sections 498-A, 34 of Indian Penal Code.
2. As per the prosecution story, applicant No. 1 is the husband of complainant Smt. Pragya Agrawal. Their marriage was solemnized on 27.04.2016. Applicant No.2 & 3 are father-in-law and mother-in-law of the complainant respectively. On 20.09.2019, a report has been lodged by the complainant alleging therein that after the marriage,

applicants used to harass and torture the complainant on account of demand of dowry. On the basis of the said, offence has been registered.

3. 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 complainant is living separate from her husband since 17.04.2017 and she has threatened the applicant to implicate him in a false case. Thereafter, applicant reported the matter to the police station. On 18.06.2018, applicant was forced to file a Divorce Petition U/s 13 of Hindu Marriage Act. Thereafter, complainant moved an application under Section 125 of Cr.P.C. which was allowed vide order dated 07.05.2019. It is only after all these, F.I.R. has been lodged by the complainant against the applicants just to create pressure on them. Therefore, it is prayed that present applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. 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 further considering the facts that complainant is living separate from her husband since 17.04.2017 and F.I.R. has been lodged by the complainant after filing of divorce petition and after allowing of application under Section 125 of Cr.P.C. therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.
8. 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 him/her 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