

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1759 of 2019

1. Mohd. Nasir And Ors. S/o Late Syed Mohammad Aged About 56 Years R/o Palace Road, Lakhanpur, Police Station And Tahsil Lakhanpur, District Surguja, Chhattisgarh.
2. Smt. Shahnaz Begum W/o Mohd. Nasir Aged About 52 Years R/o Palace Road, Lakhanpur, Police Station And Tahsil Lakhanpur, District Surguja, Chhattisgarh.
3. Mansoor Alam S/o Mohd. Nasir Aged About 25 Years R/o Palace Road, Lakhanpur, Police Station And Tahsil Lakhanpur, District Surguja, Chhattisgarh.
4. Umar Nurani D/o Mohd. Nasir Aged About 21 Years R/o Palace Road, Lakhanpur, Police Station And Tahsil Lakhanpur, District Surguja, Chhattisgarh.
5. Gajala D/o Mohd. Nasir Aged About 18 Years R/o Palace Road, Lakhanpur, Police Station And Tahsil Lakhanpur, District Surguja, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sitapur, District Surguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. C. Jayant K. Rao, Advocate.
For Respondent/State	: Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/02/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 106/2019, registered at Police Station: Sitapur, District-Surguja (C.G.) for the offence punishable under Section 498-A, 34 of IPC and Section 3 & 4 of Dowry Prohibition Act.
2. In this case complainant is the wife of Mansoor Alam (Applicant No.3). Applicant No.1 & 2 are the Father in law and Mother in law of the complainant. Applicant No.4 & 5 are the Sisters-in-law of the complainant. Marriage between complainant and Applicant No.3 solemnized on

22.05.2017. As per the prosecution story on 21.09.2019 complainant filed a written complaint alleging therein that after her marriage, the Applicants tortured the complainant, committed Maar-peet with her on the basis that she has not brought dowry after her marriage and demanded Rs.2,00,000/- from her and use to make her reside in warehouse not in their home and in the month of March, 2018 forcibly expelled her from their house. On the basis of said, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are falsely implicated in the present case. He submits that complainant herself doesn't want to live with the Applicants, she used to create dispute and she has left her house with her own will and she used to warn the Applicants that she will falsely implicate the present Applicants. He also submits that the Applicants have organized social meeting on 04.11.2018 but the complainant nor her family members have marked their presence on the said meeting. He submits that the complainant has also lodged complaint on Sakhi Van Stop Centre, Ambikapur (C.G.) on 18.04.2019 wherein it was found that complaint made by the complainant is false. She again lodged complaint in the Police Station, Sitapur against the Applicants thereafter written complaint was made by the Applicants on 26.08.2019 and thereafter the complainant have filed counter F.I.R. therefore, he prays for grant of anticipatory bail to the Applicants.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and particularly considering the fact that the counter FIR was lodged by the complainant on 21.09.2019 after the Applicants have lodged the written complaint against the complainant on 26.08.2019, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
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 him and he 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 him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge