

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1770 of 2019**

1. Namendra Singh, S/o Late Khagendra Singh, aged about 38 Years R/o Dau Mohalla, Village - Birra, Police Station Birra, District Janjgir-Champa, Chhattisgarh.
2. Smt. Kirti Singh W/o Late Khagendra Singh, aged about 60 Years R/o Dau Mohalla, Village - Birra, Police Station Birra, District Janjgir Champa, Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Birra, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicants	: Ms. Anuja Sharma, Advocate on behalf of Ms. Supriya Upasane, Advocate.
For Respondent/State	: Shri Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****27/01/2020**

1. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 79/2019 registered at Police Station Birra, District – Janjgir-Champa, (C.G.) for the offence punishable under Sections 498-A, 34 of Indian Penal Code and Sections 3 & 4 of Dowry Prohibition Act.
2. As per the prosecution story, applicants No. 1 & 2 are the husband and mother-in-law of complainant Manisha Singh. Marriage between applicant and complainant was solemnized on 19.04.2018 at Katni, M.P. On 17.09.2019 a report has been lodged by the complainant alleging that after the marriage, applicants have demanded five Lakh rupees and a four wheeler vehicle as dowry. Applicants used to harass, torture and commit mar-pit with the complainant on account of

demand of dowry and they also left her in her parental house. 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 due to some dispute with the complainant. She further submits that complainant herself quarreled with the applicants and went to her parental house. Complainant herself is residing separate from her in-laws since 18.08.2018. *Prima facie*, no case is made out against the present applicants. Applicant No. 1 has also filed an application under Section 9 of Hindu Marriage Act for restitution of conjugal rights against the complainant before the Family Court, Janjgir-Champa. Thereafter, complainant lodged the report against applicants in counter blast. Looking to the above, it is prayed that applicants may be released on 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 herself is residing separate from her in-laws since 18.08.2018 and she lodged the complaint against applicants only after filing of application under Section 9 of Hindu Marriage Act, 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