

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 2106 of 2019**

- Vikas Ranjan Mahto S/o Shri Shiv Kumar Mahto Aged About 34 Years R/o Village Barpali, Tahsil Kartala, District Korba, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Urga, District Korba, Chhattisgarh.

**---- Respondent**

**AND**

**MCRCA No. 2111 of 2019**

1. Smt. Manju Lata Mahto, W/o Shri Shiv Kumar Mahto Aged About 57 Years R/o Village Barpali, Tahsil Kartala, Police Station Urga, District Korba, Chhattisgarh.
2. Shiv Kumar Mahto S/o Late Kamta Prasad Mahto Aged About 58 Years R/o Village Barpali, Tahsil Kartala, Police Station Urga, District Korba, Chhattisgarh.

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through Police Station Urga, District Korba, Chhattisgarh.

**---- Respondent**

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| For Applicants       | : Shri Sunil Otwani, Advocate.         |
| For Respondent/State | : Smt. Seema Dixit, P.L.               |
| For Objector         | : Shri Dheeraj Kr. Wankhede, Advocate. |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order On Board**

**25/02/2020**

1. As both the cases arise out of same crime number, therefore, they are being decided by this common order.
2. The Applicants are apprehending their arrest in connection with Crime No. 306/2019 registered at Police Station Uрга, District – Korba, (C.G.) for the offence punishable under Sections 323, and 498-A/34 of Indian Penal Code.
3. As per the prosecution story, Applicant Vikash Ranjan (MCRCA No. 2106/2019) is the husband of Renuka Mahto and Applicant No. 1 Smt. Manju Lata Mahto and Applicant No. 2 Shiv Kumar Mahto (MCRCA No. 2111/2019) are the mother-in-law and father-in-law of Renuka Mahto respectively. Marriage between applicant Vikash Ranjan and Renuka Mahto was solemnized on 11.07.2013 and out of their wedlock one son was born. On 19.11.2019, a report was lodged by one Krishnakant Jaiswal, who is the brother of Renuka Mahto, alleging therein that on 17.11.2019, he and his sister Renuka went to village Barpali to attend the marriage ceremony of brother-in-law of his sister where, on 18.11.2019 at around 1:30 PM, when she asked her husband and in-laws about not informing her about the marriage, they started beating her with hand and fist. On the basis of the said report, initially offence under Section 323, 34 of I.P.C. was registered. Later on, on the basis of statement of Renuka recorded under Section 161 of Cr.P.C., offence under Section 498-A was also included. Allegedly, after the marriage, applicants used to harass and torture Renuka on account of demand of dowry.
4. 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 Renuka used to reside with her husband Vikash Ranjan at his work place i.e. Raigarh and her in-laws used to reside separate at Korba. It is further submitted that due to some dispute, Renuka had left her matrimonial house in the year 2017 and since then, she is residing separate. Earlier, no report regarding any type of demand of dowry or cruelty was made made by Renuka. Virtually, on 17/18.11.2019, at the time of marriage of younger brother

of applicant Vikash, Renuka came there and started quarreling with the applicants. She also threatened the applicants to implicate them in false case. Thereafter, on 17/18.11.2019, applicants reported the matter before police station. Thereafter, a false and fabricated report has been lodged on 19.11.2019 by the Krishnakant, brother of Renuka against applicants. In the F.I.R./written complaint also, cruelty by applicants and demand of dowry is not mentioned. Subsequently, a false story has been developed against applicants. Mother-in-law and father-in-law of Renuka are government servant and they reside separate. Applicant Vikash Ranjan is also involved in teaching job. Looking to the above, it is prayed that present applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State and Objector oppose the bail application. Counsel for Objector submits that on 18.11.2019, Renuka was assaulted by the applicants and due to that she was hospitalized, thereafter, Complainant i.e. brother of Renuka lodged the report. At that time he was not aware of the fact regarding cruelty and demand of dowry made by the applicants. Thus, anticipatory bail applications of the applicants should be rejected.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. 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 fact that Renuka, wife of applicant Vikash Ranjan is residing separate from her husband since year 2017, F.I.R. was lodged on 19.11.2019 by her brother, a small dispute took place between both parties and general allegations are levelled against applicants, and prior to this also, no report was made regarding cruelty or demand of dowry against applicants, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

8. Accordingly, the bail applications are allowed.

9. 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 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**