

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2145 of 2019

1. Shyamlal Sahu S/o Shri Puneetram Sahu Aged About 63 Years R/o M.I.G. 66 Housing Board Colony, Hetkeshwar, Dhamtari, Tahsil And District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
2. Saurabh Sahu S/o Shri Shyamlal Sahu Aged About 35 Years Current Address Delhi Resident Of M.I. G. 66 Housing Board Colony Hetkeshwar, Dhamtari, Tahsil And District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Mahila Thana District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Shri Sandeep Yadav, Advocate
For State	:	Shri Vimlesh Bajpai, Govt. Advocate
For Objector	:	Shri Ashish Gupta, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/06/2020

Heard.

1. This application under Section 438 Cr.P.C. has been preferred by the applicants apprehending their arrest in connection with Crime No. 35 /2019 registered in Police Station -Mahila Thana, Raipur, District- Raipur (CG) for alleged commission of offence under Sections 498-A, 34 IPC.
2. Marriage of the complainant-wife was solemnized with applicant No.2 Saurabh Sahu on 18.2.2018. As per prosecution story, on 15.9.1919, complainant lodged a written complaint alleging therein that after her marriage with applicant No.2-Saurabh Sahu, dowry was demanded by the husband and other co-accused, she was ill-treated and tortured. It was also alleged that cash of Rs.25 lakhs was also demanded. On the basis of aforesaid allegation, offence has been registered.
3. Learned counsel for the applicants would argue that the allegation against

applicants- Father-in-law and husband are highly exaggerated. It is submitted that dispute between the parties has been for various reasons and no cruelty has been committed.

It is also submitted that mother-in-law Smt. Kamini Sahu has been granted anticipatory bail vide order dated 03.01.2020 passed in MCRCA No.2104 of 2019. It is also submitted that there is no injury report. Finally, it is submitted that FIR has been lodged on 15.9.2019 as a counter action when husband filed suit for seeking divorce on 29.7.2019. Therefore, at this stage, the applicants may be protected.

4. On the other hand, learned counsel appearing for the State and Objector opposed the prayer for grant of anticipatory bail. It is submitted that specific allegation of cruelty, assault, ill-treatment has been made by the complainant-wife and in the event of grant of bail, she may be further subjected to cruelty. It is also submitted that Smt. Kamini Sahu, the mother-in-law has been granted bail on the submission made that husband is the main accused.
5. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration that there is no specific injury report, FIR was lodged after filing of divorce suit and that mother-in-law Smt. Kamini Sahu has already been granted bail, present is a fit case for grant of anticipatory bail to the applicants.
6. The application is accordingly allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them furnishing a personal bond in the sum of Rs.25,000/- along one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicants shall make themselves available for interrogation by the police officer as and when required;

(ii) the 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge