

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 13 of 2020**

1. Smt. Pushpa Priyamvada Pathak, W/o Shri Manoj Pathak Aged About 48 Years R/o Durga Mandir, Shyamsundarpur Colliery, Shyamsundarpur, Bardhaman, Ukhra, West Bardhaman (West Bengal).
2. Manoj Pathak S/o Late Ram Naresh Pathak Aged About 50 Years R/o Durga Mandir, Shyamsundarpur Colliery, Shyamsundarpur, Bardhaman, Ukhra, West Bardhaman (West Bengal).

---- Applicants**Versus**

- State Of Chhattisgarh Through S H O Police Station - Mahila Thana, Bilaspur, District - Bilaspur Chhattisgarh.

---- Respondent

For Applicants	: Ms. Meena Shastri, Advocate.
For Respondent/State	: Shri Adil Minhaj, G.A.
For Objector	: Shri Ashish Shukla, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****05/06/2020**

1. The matter is heard through video conferencing.
2. The Applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 39/2019 registered at Police Station Mahila Thana, Bilaspur, District – Bilaspur, (C.G.) for the offence punishable under Sections 498-A, 34 of I.P.C.
3. As per the case of the prosecution, applicant No. 1 and 2 are the mother-in-law and father-in-law of the complainant Karuna Pathak respectively. Marriage between complainant and son of the applicants

was solemnized on 22.02.2019. Initially, after the marriage, complainant used to live with applicants in Kolkata (W.B). Thereafter, she went to Bangalore and lived there with her husband. It is alleged that just after the marriage, complainant was subjected to cruelty on account of demand of dowry by the applicants as well as by her husband. On 28.10.2019, F.I.R. was lodged by the complainant and on the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some family dispute. She further submits that applicant No. 1 and 2 are the mother-in-law and father-in-law respectively of the complainant who used to live separate in Kolkata and complainant used to live with her husband in Bangalore. She further submits that there was dispute between complainant and her husband therefore, from May, 2019, complainant started living separately. Thereafter, on 3.10.2019 an application under Section 10 of Hindu Marriage Act for judicial separation was submitted by husband of the complainant. Thereafter, a false and fabricated complaint was lodged by the complainant against the applicants. Therefore, it is prayed that present applicants may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State and Counsel for Objector oppose the bail application.
6. I have heard learned Counsel appearing for the parties.
7. Taking into consideration the submissions put-forth on behalf of the parties, considering the fact that applicant No. 1 and 2 are the mother-in-law and father-in-law of the complainant respectively who used to live separate in Kolkata and further considering the fact that after the submission of application under Section 10 of Hindu Marriage Act for judicial separation, complaint was made by the complainant, 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 application is 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/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