

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 50 of 2021

1. Mohansingh Sarthi, S/o Shri Hemsay Sarthi, Aged About 62 Years, R/o 35b/2 D Type Nirmala Sector, Dalli Rajhra, District : Balod, Chhattisgarh
2. Smt. Khem Sarthi, W/o Shri. Mohansingh Sarthi, Aged About 47 Years R/o 35b/2 D Type Nirmala Sector, Dalli Rajhra, District : Balod, Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through S.H.O. Police Station Rajhra, District : Balod, Chhattisgarh

---- Respondent

For Applicant : Mrs. Indira Tripathi, Advocate.
For Respondent/State : Ms. Anjali Singh Chouhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/02/2021

1. This is 2nd bail application of this applicant for grant of anticipatory bail. His first application MCRC (A) No.1760 of 2020 was dismissed as withdrawn with liberty to file a duly constituted application under Section 438 of CrPC before the Sessions Court vide order dated 23.12.2020.
2. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending arrest in connection with Crime No.498/2020

registered at Police Station-Rajhra, District – Balod(C.G.), for the offence punishable under Section 498-A, 323, 506/34 of the Indian Penal Code.

3. Learned counsel for applicants submits that applicant is innocent and has been falsely implicated in this case. It is submitted that applicants are the parents of the main accused Ajay Singh Sarthi, Ajay Singh and the complainant both had love affair, who then performed a marriage in Arya Samaj temple on 14.12.2017, without the knowledge of these applicants. Later on, the co-accused and the complainant both revealed about their marriage in the year 2020, then with the agreement of the applicants and the parents of the complainant a customary marriage was performed on 29.6.2020. The complainant has stayed with these applicants only for 4 days in Dallirajhra, whereas she had been continuously residing with her husband in Raipur subsequent to the marriage. The allegations regarding demand of dowry against these applicants is totally false. Applicant No.1 is retired Government servant and the applicant No.2 is suffering from Cancer. Therefore, it is prayed that applicants may be released on anticipatory bail.
4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant has made clear allegations against these applicants regarding torturing her for demand of dowry and the other serious allegations against her husband, therefore, applicants are not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.

6. The prosecution case is this, that the co-accused Ajay Singh Sarthi and the complainant, who had earlier performed marriage on 14.12.201, again performed a customary marriage after the agreement of their parents on 29.6.2020. The allegations against these applicants is this, that during the stay of the complainant in the house of these applicants, a demand of dowry was made and the complainant was also tortured for the same. Rest of the allegations are against the husband of the complainant.
7. Considered on the submissions and the facts present in the case and looking to the circumstances that are related to these applicants, I am of this view that this is a fit case for grant of anticipatory bail to the applicants.
8. Accordingly, the anticipatory bail application is allowed and 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 officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that 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/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act, in any manner, which will be

prejudicial to fair and expeditious trial; and

- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha