

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 89 of 2021

- Smt. Anjali Peshwani W/o Suresh Peshwani Aged About 49 Years
R/o Raj Kishor Nagar, Shila Park, Police Station Sarkanda, District
Bilaspur (Chhattisgarh) Incidence Police Station Mahila Thana
Raipur, District Raipur (Chhattisgarh)

---- Petitioner

Versus

- State Of Chhattisgarh Through The Police Station Mahila Thana,
District Raipur (Chhattisgarh)

---- Respondent

MCRCA No. 228 of 2021

- Avinash Peshwani, S/o Suresh Peshwani, Aged About 32 Years
R/o Raj Kishore Nagar, Shila Park, Police Station Sarkanda,
District Bilaspur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh, Through The Police Station Mahila Thana,
District Raipur Chhattisgarh

---- Respondent

For Applicants	Mr. Akash Shrivastva, Advocate
For Respondent/State	Ms. Akshara Amit, Panel Lawyer
For Objector	Mr. Pragalbha Sharma, Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

5/3/2021

1. Heard.

2. These are the two applications filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.1/2021 registered at Police Station Mahila Thana, District Raipur for the offence punishable under Section 498-A, 34 of the IPC.
3. The marriage between applicant Avinash and complainant Roshni was solemnized on 3.12.2019. On 19.3.2020. Avinash filed an application before the Family Court, Raipur for declaring the marriage null and void under Section 12 read with Sections 5 & 14 of the Hindu Marriage Act, 1955 (in short "the Act, 1955"). Thereafter, the complainant filed a written complaint in July 2020 and the present FIR was registered on 2.1.2021.
4. It is alleged that the applicants were demanding cash for expansion of business. The complainant was also subjected to other cruelties, which may amount to ordinary wear and tear of marital life. On the one hand, the applicants allege that the complainant was trying to commit suicide to implicate them and on the other hand, the complainant alleges that she was subjected to different kinds of cruelties during her stay in her marital house for about 3 ½ months.
5. Considering the nature of allegations and for the fact that the application under Section 12 of the Act, 1955 has been filed in March 2020 and the present FIR has been registered after 7

months i.e. in January 2021 as also for the reason that in the event of arrest of the applicants and sending them behind the bars, the possibility of any settlement between the parties will be frustrated, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

6. Accordingly, the applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) they shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) 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 for disclosing such facts to the Court or to any Police Officer.
- (iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

