

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 199 of 2021**

1. Smt. Rambati Galib, W/o Late Linguram Galib Aged About 66 Years R/o Sanjay Nagar, Ward No. 04, Dantewada, Chhattisgarh
2. Ku. Chandani Galib D/o Late Linguram Galib Aged About 34 Years R/o Sanjay Nagar, Ward No. 04, Dantewada, Chhattisgarh
3. Smt. Roshni Nag D/o Late Lingu Ram Galib Aged About 36 Years R/o Gandhi Nagar, Ward No. 07, Sukma Chhattisgarh
4. Santosh Prashad Nag S/o Gopal Prashad Nag Aged About 41 Years R/o House No. 28/c, Patnampara Ward No. 7, District- Sukma, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through P.S. Kotwali Jagdalpur, District- Bastar, Chhattisgarh

---- Respondent

For Applicants	: Shri Vikas A Shrivastava, Advocate
For Respondent/State	: Shri Hari Om Rai, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

31.03.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicants as they are apprehending their arrest in connection with Crime No.21 of 2020 registered at Police Station Kotwali, Jagdalpur, District- Bastar CG for commission of offences punishable under Sections 494 and 498A of IPC.
2. Case of the prosecution, in brief, is that, co-accused Om Prakash Galib and complainant came to Bilaspur in the year 2013 for preparation of Civil Services Exam conducted by Public Service Commission. They performed marriage on 16.09.2015 in Arya Samaj at Bilaspur and lived together till 2018. In the year 2018, both of them returned to their home and lived separately in their house. In 2019, family members of both came to know about their marriage. Parents of applicants refused to accept complainant as wife of Om

Prakash Galib, ill treated her, abused and also assaulted her due to which she became ill and took treatment at Medical College, Jagdalpur. After sometime, Om Prakash Galib again started meeting her and agreed to keep her with him as his wife, and continued their relationship. But suddenly, on 23.11.2020 present applicants performed marriage of Om Prakash Galib with one Sunita at Dantewada. On the basis of this, written complaint has been filed against present applicants and Om Prakash Galib for the aforementioned offences.

3. Bail application filed under Section 438 of the CrPC before the Court below was rejected by impugned order.

4. Shri Vikas A Shrivastava, learned counsel for the applicants submits that applicants have been falsely implicated in the case. Entire allegations levelled with regard to marriage at Arya Samaj, Bilaspur, and 2nd marriage is against Om Prakash Galib. The allegation of ill treatment of complainant Smt Rambati and others is of the year 2019, only to harass the applicants. He further submits that no offence could be made out against the present applicants of the nature as alleged against them. Applicants- 2, 3 and 4 are government employees and applicants may be benefited under Section 438 of CrPC. Learned counsel further submits that Om Prakash Galib has been enlarged on bail under Section 439 of CrPC by the Court below, against whom complainant made her allegations of having relationship and marriage at Arya Samaj Bilaspur.

5. On the other hand, Shri Hari Om Rai, learned Panel Lawyer for the State while opposing the submissions of learned counsel for the applicant, submits that, there are specific allegations against the present applicants with regard to ill treatment of complainant in the year 2019 when she went to their house at Dantewada and asking the family members to keep her as wife of Om Prakash Galib. He further submits that as per the complainant, it is evident that applicants are aware about marriage of complainant with Om Prakash Galib, but, even then, they performed his marriage with Sunita, hence, offences alleged against them are made out. The applicants are not entitled for the benefit under Section 438 of the CrPC.

6. I have heard learned counsel for the parties and also perused the documents of case diary.

7. Taking into consideration nature of allegation levelled against the present applicants, contents of written complaint wherein allegations are levelled against co-accused Om Prakash Galib that while residing at Bilaspur for preparation of PSC Exam since 2013, they performed marriage at Arya Samaj Bilaspur in the year 2015. Om Prakash Galib performed 2nd marriage on 23.11.2020 and only allegation levelled against present applicants that they ill treated the complainant and misbehaved with her in the year 2019, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicants.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question,

they shall be released on anticipatory 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:

- (a) That the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (b) 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/them from disclosing such facts to the Court or to any Police Officer;
- (c) That the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (d) That the applicants shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE