

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 173 of 2021**

- D.R. Nag S/o Late Shri Setlal Nag Aged About 67 Years Occupation- Retired Assistant Conservator Of Forest, R/o House No. 299, Paras Nagar (Devendra Nagar) Near Shiv Temple P.S. Devendra Nagar District- Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through the Station House Officer, Police Station- Bodhghat, District- Jagdalpur, Chhattisgarh

---- Respondent**MCRCA No. 181 of 2021**

- Ajay Nag, S/o Shri D.R. Nag, Aged About 38 Years R/o House No. 299, Paras Nagar (Devendra Nagar) Near Shiv Temple P.S. Devendra Nagar, District- Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Bodhghat, District- Jagdalpur, Chhattisgarh

---- Respondent

For Applicant	: Shri Avinash K Mishra, Advocate
For Respondent/State	: Shri Anand Verma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**26.03.2021**

1. Both these applications are arising out of same crime number, hence, these two applications are being disposed of by this common order.
2. Applicants in MCRCA-173 and 181 of 2021 are father-in-law and husband of the complainant Smt Nisha Nag. They filed application under Section 438 of CrPC for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.06 of 2021 registered at Police Station Bodhghat, District -Jagdalpur CG for commission of offence punishable under Section 498A read with 34 of IPC.

3. Case of the prosecution, in brief, is that, marriage of Nisha Nag and Ajay Nag solemnized on 16.12.2018. Thereafter, she was residing at her matrimonial house at Raipur. At the time of her delivery, she was brought to her parents' house at Jagdalpur, and the complainant was blessed with a baby boy. Thereafter, she returned to Raipur and lived with her in laws till 01.10.2020. Complainant in the FIR and in her statement, made allegations that applicants are harassing her for demand of dowry, Car and cash of Rs.5,00,000/-. Based on her complaint, aforesaid crime was registered against the present applicants.

4. Shri Avinash K Mishra, learned counsel for the applicants submits that father-in-law of complainant is retired Assistant Conservator of Forest and is residing at Raipur. Applicant Ajay Nag, husband of the complainant is doing business of event management and arrangements like DJ, lighting, photo shoot, pre-wedding photo shoot etc., in marriage, birthday and such other parties. Learned counsel submits that Ajay Nag has to stay out of his home till late night and some times, for the whole night, till the end of function for some arrangements, and supervision in which he has been engaged as Event Manager. He submits that from the contents of FIR, it appears that complainant is suspecting her husband Ajay Nag had performed 2nd marriage with one Preeti Das and therefore, she has lodged false report for the above alleged offences. He further submits that upon making the complaint, Police has not called the parties for the purpose of counseling, so that marriage between the parties be saved. He submits that Ajay Nag still wants to keep the complainant as his wife, but due to intervention of her family members,

she has not been sent with him. Applicants are well settled, father-in-law of complainant is retired Assistant Conservator of Forest, whereas the father of complainant is working in much lower cadre. The complaint made is only due to some mis-understanding.

5. Learned counsel for the State Shri Anand Verma, while opposing the submissions of learned counsel for the applicants submits that complainant Nisha Nag has filed a written complaint on 05.01.2020, wherein there is specific allegation against her husband and father-in-law for demand of dowry, Car and cash of Rs.5,00,000/-. He submits that complainant has also mentioned that her parents are not in good financial condition. He also submits that there is specific allegation against Ajay Nag that he performed 2nd marriage with one Preeti Das. From the records of statement of complainant and also her mother Smt Parvati, in support of her contention, there are specific allegations against the applicants.

6. Taking into consideration date of marriage of complainant and Ajay Nag, ie on 16.12.2018 and from their wedlock, there is 14 months old baby boy, and there is no allegation of physical assault over the complainant, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicants.

7. Accordingly, MCRC-173 and 181 of 2021 are 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 them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

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