

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRCA No. 218 of 2021**

1. Smt. Shabana Khan W/o Wahab Khan, Aged about 50 years.
2. Irshad Khan S/o Wahab Khan, Aged about 30 years.

Applicants No. 1 and 2 R/o F.C.I. Godam, New Raipur Roadways Transport, Tarbahar Bilaspur, Tahsil and Distt. Bilaspur, Chhattisgarh.

---Applicants

Versus

State Of Chhattisgarh Acting Through Officer in Charge, Police Station Mahila Thana, Ambikapur (Sarguja), Chhattisgarh.

--- Non-applicant/State

MCRCA No. 276 of 2021

1. Arshad Khan, S/o Wahab Khan, Aged about 32 years, R/o FCI Godam, New Raipur Roadways Transport, Tarbahar Bilaspur, Tahsil and Distt. Bilaspur, Chhattisgarh.

---Applicant

Versus

State Of Chhattisgarh Acting Through Officer in Charge, Police Station Mahila Thana, Ambikapur (Sarguja), Chhattisgarh.

--- Non-applicant/State

For Applicants :- Mr. K.A. Ansari, Senior Advocate
with Mr. Aman Ansari, Advocate
For State :- Mr. H.S. Ahluwalia, Dy. A.G.
For Complainant:- Mr. Vivek Shrivastava, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

21/05/2021

1. These are first bail applications filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who have been arrested in connection with Crime No. 06/2021, registered at Police Station – Mahila Thana, Ambikapur, District Ambikapur (Sarguja) (CG), for the offence punishable under Sections 34, 294, 313, 323, 498(A) of IPC and Section 4 of Dowry Prohibition Act.
2. Case of the prosecution, in brief, is that the marriage of complainant Rumana Khan was solemnized with the applicant in MCRCA No. 276/2021 namely Arshad Khan on 23/10/2016 and thereafter, the applicants treated the complainant with cruelty due to which she also suffered miscarriage and consequently, she left her matrimonial home on 24/02/2017 and came to stay with her parents.
3. Mr. K.A. Ansari, learned senior counsel appearing for the applicants, would submit that the applicants have not committed any offence and they have falsely been implicated in the crime in question as the complainant left her matrimonial home on 24/02/2017 and started residing with her

parents at Ambikapur whereas the FIR was lodged on 30/01/2021 and there is no explanation for lodging the FIR with a delay of three years. Even otherwise, he would submit that the matter is being settled between the husband, wife and her in-laws, as such, the present applicants be granted the privilege of anticipatory bail.

4. Learned State Counsel would oppose the bail application.

5. Mr. Sunil Sahu, learned counsel appearing for the complainant, would submit that the matter is being settled between the complainant and her husband as well as in-laws, therefore, she has no objection if the applicants are enlarged on bail.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicants and considering the fact that the complainant is said to have left her matrimonial home on 24/02/2017 whereas FIR was lodged on 30/01/2021 and there is no explanation for the delay of three years in lodging the FIR and further taking into account the statement made by learned counsel for the applicant that the matter

is being compromised between the parties, this Court is of the opinion that present is a fit case, in which, the applicants should be granted anticipatory bail.

8. Accordingly, both the bail applications filed under Section 438 of the Cr.P.C. are 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 25,000/- each with one surety in the like amount to the satisfaction of the concerned Investigating/Arresting Officer. The applicants shall also abide by the following conditions:-

(I). that they shall make themselves available for interrogation before the concerned Arresting/Investigating Officer as and when required;

(ii). that they shall not, directly or indirectly, make any inducement, threat or promise to the 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

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

9. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet