

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 309 of 2021

1. Ajay Kurre S/o Late Roopsingh Kurre, Aged About 50 Years, R/o Village Singarpur, Police Station Fastarpur, District Mungeli (Chhattisgarh) Presently Sai Nagar, Police Station Sakri, Usalapur, District Bilaspur (Chhattisgarh).
2. Ankush Sonwani S/o Parmanand Sonwani, Aged About 20 Years, R/o Village Setganga Lalpur, Police Station Fastarpur, District Mungeli (Chhattisgarh).

----Applicants

Versus

1. State Of Chhattisgarh, Through Police Station Fastarpur, District Mungeli (Chhattisgarh).

---- Non-Applicant

For Applicants	:	Mr. Rajesh Kumar Jain, Advocate.
For Non-Applicant/State	:	Mr. Ayaz Naved, Govt. Advocate.

MCRCA No. 340 of 2021

1. Vijay Kurre S/o Late Roopsingh Kurre, Aged About 40 Years, R/o Village Singarpur, Police Station Fastarpur, District Mungeli (Chhattisgarh).
2. Ku. Namita D/o Late Roopsingh, Aged About 38 Years, R/o Village Singarpur, Police Station Fastarpur, District Mungeli (Chhattisgarh).
3. Ku. Sarita D/o Late Roopsingh, Aged About 45 Years, R/o Village Singarpur, Police Station Fastarpur, District Mungeli (Chhattisgarh).
4. Anita Sonwani W/o Paramanand Sonwani, Aged About 43 Years, R/o Village Lalpur, Police Station Fastarpur, District Mungeli (Chhattisgarh).

----Applicant

Versus

1. State Of Chhattisgarh, Through Police Station Fastarpur, District Mungeli (Chhattisgarh).

---- Non-Applicant

For Applicants	:	Mr. Rajesh Kumar Jain, Advocate.
For Non-Applicant/State	:	Mr. Ayaz Naved, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Order On Board

16/06/2021

- 1) The matter is heard through Video Conferencing.
- 2) Since both the applications arise out of the same crime number, they are being disposed of by this common order.
- 3) The applicants have preferred these First Bail Applications under Section 438 of Cr.P.C. as they are apprehending their arrest in connection with Crime No. 19/2021 registered at Police Station Fastarpur, District Mungeli (C.G.) for the offence punishable under Sections 294, 506, 498-A of Indian Penal Code.
- 4) Case of the prosecution, in brief, is that complainant Sati Anusuiya lodged a report to the effect that her marriage was solemnized with applicant Vijay Kurre about 9-10 years ago and out of their wedlock 2 children were born. Just after 2 months of the marriage she was being harassed physically and mentally by her husband and his family members in connection with demand of dowry and in the year 2019 they also committed Maarpet with her for dowry. The complainant informed about this ill treatment to her father and when the applicants came to know that the complainant has informed her father, they beat her and ousted from the matrimonial house. Subsequently, the applicants took the complainant back to her matrimonial house but on 20/12/2020 they again assaulted her for dowry and also made her consume pesticide forcibly as a result of which she fell sick and remained in Hospital for 10 days.
- 5) As the outsed, learned counsel for the applicants submit that MCRCA No. 340/2021 has become infructuous in relation to applicant No. 2 Ku. Namita and applicant No. 3 Ku. Sarita as they have been arrested and later on released on bail by the Trial Court.
- 6) Accordingly, MCRCA No. 340/2021 is dismissed for having become infructuous in respect of applicant No. 2 Ku. Namita and

applicant No. 3 Ku. Sarita. This application now survives only in relation to the applicant No. 1 Vijay Kurre and applicant No. 4 Anita Sonwani.

- 7) Learned counsel for the applicants submit that the applicants are innocent persons and have been falsely implicated in this case. Marriage of the complainant with applicant No. 1 Vijay Kurre was solemnized about 10 years ago, no complaint or FIR was lodged by her regarding ill treatment or demand of dowry with anyone. Applicant No. 4 Anita Sonwani is a married lady who is residing at different place. Like wise applicant Ajay Kurre and Ankush Sonwani, brother-in-law (Jeth) and nephew of the complainant are also residing at Bilaspur. There is no criminal antecedents of the applicants, the matter is under investigation and due to COVID-19 Pandemic the conclusion of trial is likely to take some time. Therefore, the applicants be released on anticipatory bail.
- 8) On the other hand, learned counsel for the respondent/State opposes the bail applications.
- 9) Heard learned counsel for the parties.
- 10) Considering the facts and circumstances of the case, the nature of allegation against the applicant Vijay Kurre, I am **not** inclined to grant anticipatory bail to the applicant Vijay Kurre. Accordingly, MCRCA No. 340/2021 is **rejected** in relation of applicant Vijay Kurre.
- 11) Considering the facts and circumstances of the case, the fact that applicant Anita Sonwan, Ajay Kurre and Ankush Sonwani were residing separate from the complainant, no specific allegation regarding cruelty or demand of dowry has been made against them, no custodial interrogation of these applicants is required, though the matter is under investigation, however, no apprehension is shown by the State Counsel of their absconding or tampering with or influencing the witnesses, without commenting anything on merits of the case, the application MCRCA No. 340/2021 is allowed in relation to applicant Anita

Sonwani and MCRCA No. 309/2021 is also allowed.

12) It is directed that in the event of arrest of the applicants Anita Sonwan, Ajay Kurre and Ankush Sonwani in connection with the aforesaid crime, they shall be released on bail by the Arresting Officer on their furnishing a personal bond for a sum of Rs. 50,000/- with two sureties of Rs. 25,000/- **each** to the satisfaction of the Arresting Officer. Applicants shall be released on bail on the following conditions:-

- i. they shall make themselves available for interrogation before the Police 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 from disclosing such fact to the Court or to the Investigating Officer,
- iii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iv. they shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- v. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- vi. they shall not involve themselves in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving themselves in similar offence in future.

13) **In the result :-**

- **MCRCA No. 340/2021** is dismissed as having become **infructuous** in respect of applicant No. 2 Ku. Namita and applicant No. 3 Ku. Sarita and is also **dismissed** in relation to applicant No. 1 Vijay Kurre.

- **MCRCA No. 340/2021** is **allowed** in respect of applicant No. 4 Anita Sonwani and **MCRCA No. 309/2021** is also **allowed** on the aforesaid terms and conditions.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant