

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 593 of 2021

1. Smt. Usha Sharma, W/o Late Rajkumar Sharma (Raju), aged about 56 years.
2. Shakti Sharma @ Shetty, S/o Rajkumar Sharma, aged about 40 years.
3. Smt. Santoshi Bai, W/o Shri Shakti Sharma @ Shetty, aged about 39 Years

All R/o Tilda Basti, Balgangadhar Tilak Nagar, Ward No.17 in front of Shyam Nagar, PS Newra, Tahsil Bilha, District Bhatapara Balodabazar (CG)

---- Applicants

Versus

- State of Chhattisgarh, Through Mahila Thana, Distt. Bilaspur (CG)

---- Non-applicant

For Applicant	:	Mr. Dhirendra Pandey, Advocate
For Non-applicant	:	Ms. Anjali S Chouhan, Panel Lawyer
For Objector	:	Mr. Amit Kumar, Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

2/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicants as they apprehend their arrest in connection with Crime No.22/2021 registered at Mahila Thana, Bilaspur (CG) for commission of offence punishable under Section 498(A), 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant was married to co-accused Sandeep Sharma in the year 2008 and from their marriage, they were blessed with a girl and a boy, who are 11 years & 9 years of age respectively. On account of

posting of complainant's husband in Bilaspur, they are residing in Bilaspur. On 3.4.2021 a complaint was lodged by complainant stating therein that at the time of marriage, her husband and his family members have made demand of Rs.6 Lakhs cash, which was somehow fulfilled, and thereafter only marriage could be performed. After marriage, when complainant reached her matrimonial home situated in Tilda, she was kept in a dark room under lock & key. Applicant No.1 & 3 have also misbehaved with her. During stay in Bilaspur, husband of complainant demanded for money to purchase house in Bilaspur. She was ill-treated and harassed for getting the house, which is to be purchased in Bilaspur, registered in the name of applicant No.1. Based on this complaint, instant crime is registered against present applicants and husband of complainant.

3. Mr. Dharendra Pandey, learned counsel for applicants would argue that the marriage was solemnized in the year 2008, allegation of ill-treatment, harassment and misbehaviour by applicant No.1 & 2 relates to the year 2008. Present applicants are residing separately in Tilda, whereas complainant along with her husband and children is residing in Bilaspur as her husband is a government servant and posted in Bilaspur. He further submits that there is no allegation against present applicants with regard to ill treatment or harassment in recent times. Hence, present applicants be extended benefit of anticipatory bail under Section 438 of CrPC.
4. On the other hand, Ms. Anjali S Chouhan, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicants and submits that there is specific allegation that present applicants and husband of complainant have demanded cash of Rs.6 Lakhs at the time of marriage; applicants No.1 & 3 ill-treated, harassed and misbehaved with the complainant when she went to her

matrimonial home after her marriage. She further argued that husband of complainant has demanded money for purchasing a house in Bilaspur. Husband of complainant is having extra marital relations. He is also harassing and pressurising the complainant for purchasing house in Bilaspur in the name of applicant No.1. She read over statement of one Ramphere Pathak in support of her contention.

5. Mr. Amit Kumar, learned counsel representing the Objector would submit that written complaint was lodged on 3.4.2021 making serious allegations against present applicants. As per written complaint, prior to lodging of complaint when the complainant had gone to her matrimonial home in Tilda, she was not permitted to enter into house on the ground that she has to bring cash of Rs.6 lakhs. He further submits that there is allegation against applicant No.2, brother-in-law of complainant, that he took the complainant in other room and said to her that if she does not want to bring Rs.6 lakhs, he will convince his mother and wife, but for that she has to establish physical relation with him. Looking to the nature of allegations levelled, present applicants are not entitled to be released on anticipatory bail.
6. Upon asking a specific question about availability of written complaint containing allegations as read out by learned counsel for the Objector, she submits that no such complaint containing allegations, as read out by learned counsel for objector, is available in case diary.
7. I have heard learned counsel for the parties.
8. Taking into consideration nature of allegations, as appearing from the contents of FIR; the fact that applicants are residing in Tilda, whereas complainant along with her husband and children is residing in Bilaspur; the dispute between complainant and her husband is with regard to extra marital relation of husband of complainant with someone else and

purchase of house in the name of applicant No.1; and further considering statement of Ramphere Pathak, Smt. Kavita Nayak, neighbour & friend of complainant, Shailendra Singh, Awdhesh Tiwari (brother), wherein no such allegation, as read out by learned counsel for objector, is made; applicants are mother-in-law, brother-in-law and sister-in-law, without commenting anything on merits of the case, I am inclined to release present applicants on anticipatory bail.

9. 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 Arresting Officer. The applicants shall also abide by the following conditions:

- (i) that they shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of 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 appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-