

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 604 of 2021

1. Gokul Prasad Soni, S/o Late Jaigovind Soni, aged about 67 years.
2. Smt. Sangeeta Devi W/o Shri Gokul Prasad Soni, Aged About 63 Years

Both R/o Namnakala (Behind Polytechnic College), Ambikapur,
P.S. Gandhinagar, Tahsil Ambikapur, District Surguja (CG)

---- Applicants

Versus

- The State of Chhattisgarh, through the SHO, Mahila Police Station Ambikapur, District Surguja (CG)

---- Non-applicant

For Applicants	:	Mr. AK Prasad, Advocate
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu
Order On Board

12/7/2021

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.29/2021 registered at Mahila Police Station, Ambikapur, District Surguja for commission of offence punishable under Sections 313 & 498A of IPC.
2. The prosecution story, in brief, is that complainant Priya Soni was married to co-accused Deependra Soni on 29.11.2020. After the marriage, the complainant started residing at her matrimonial home. From the initial days of marriage, present applicants and husband of complainant were harassing her in connection with demand of dowry. On 9.4.2020 complainant Priya Soni lodged written complaint in the police station mentioning therein that present applicants and her husband were harassing her for demand of dowry, they are demanding Rs.2,50,000/- for opening CCTV camera shop for her husband. It is further alleged that when the complainant had conceived pregnancy, her husband Deependra Soni got done her sonography test in which her pregnancy was confirmed.

Thereafter her husband took her to Chhalgali where some medicine was administered to her which resulted into miscarriage of her pregnancy. It is further alleged that due to miscarriage, she became unwell upon which her parents were called by her and present applicants and her husband had asked her parents to take care of her and to provide her better treatment. Based on the written complaint, instant crime is registered against present applicants and husband of complainant.

3. Mr. AK Prasad, learned counsel for applicants would submit that allegation with regard to demand of dowry is omnibus, no specific instance has been mentioned in the complaint. He further submits that there is no allegation against present applicants with regard to their involvement in any manner for miscarriage of pregnancy, as alleged by the complainant, and in this regard she has made specific allegations against her husband Deependra Soni. Applicants are old persons aged about 67 & 63 years respectively. The complainant herself does not want to reside in the company of applicants, therefore, within a period of six months from the date of marriage the complaint has been lodged by her against present applicants and their son.
4. Mr. Vaibhav Singh, learned Panel Lawyer representing the State opposes the submissions made by learned counsel for the applicant and submits that complainant has lodged written complaint making specific allegation of ill treatment and harassment by applicants and her husband on account of demand of dowry and about administration of some medicine which resulted into miscarriage of her pregnancy. He further submits that in the written complaint it is mentioned that when the complainant became unwell due to miscarriage, present applicants have neither given proper care nor provided treatment to her. However, on asking with regard to statements of parents of complainant, learned State Counsel submits that case diary sent by the concerned police station contains only

copy of FIR and statement of complainant recorded under Section 161 of CrPC, there is no other material available in the case diary forwarded to the office of the Advocate General.

5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations, period of marriage, the fact that allegation regarding administration of medicine for the purpose of miscarriage of pregnancy is only against husband of complainant, there is no specific allegation levelled against present applicants, who are old persons aged about 67 & 63 years respectively, without commenting anything on the merits of case, I am of the view that present is a fit case where applicants should be granted anticipatory bail.
7. 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 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 him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-