

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No. 599 of 2021

- Smt. Rama Dewangan W/o Dinesh Dewangan, Aged About 60 Years, Cast -Dewangan, R/o. Gandhi Chouk, Kaimp 2, Power House Bhilai, Thana -Chhawani, District -Durg, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh Through Police Station Champa, District -Janjgir Champa, Chhattisgarh.

---- Respondent

MCRCA No. 642 of 2021

- Susheel Kumar Dewangan S/o Dinesh Dewangan, Aged About 38 Years, Cast -Dewangan, R/o. Gandhi Chouk, Kaimp 2, Power House Bhilai, Thana -Chhawani, District -Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Champa, District- Janjgir- Champa, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Vikash Pandey, Advocate.
For State	: Ms. Anjali Singh Chauhan, PL.
For Objector	: Mr. Supriya Upasane, Advocate.

(Proceedings through video conferencing)

Hon'ble Shri Parth Prateem Sahu, J

Order on Board

09/07/2021

Heard.

1. As above bail applications arise out of same crime number, they are being heard together and decided by this common order.
2. Applicant Smt. Rama Dewangan in MCRCA No.599/2021 is the mother-in-law of complainant and applicant Susheel Kumar Dewangan in MCRCA No.642/2021 is the husband of complainant.

3. This is an application filed under Section 438 of Cr.P.C. for grant of anticipatory bail to the applicants as they apprehend their arrest in connection with Crime No.104/2021 registered at Police Station - Champa, District- Janjgir- Champa, Chhattisgarh, for commission of offence punishable under Section 498 A read with Section 34 of the Indian Penal Code.
4. The prosecution story, in brief, is that marriage of complainant with applicant Susheel Kumar Dewangan was solemnized on 09.02.2018. Immediately after the marriage, husband, mother-in-law, father-in-law and brother-in-law of complainant have started harassing her for demand of dowry. Complaint was lodged on 06.08.2020, upon which, proceeding for counselling has been initiated in the Family Counselling Centre, but it did not give any positive result. Complainant stated before the Counselor that she wanted judicial proceedings, based upon which, crime was registered for the aforementioned offences against the applicants.
5. Learned counsel for the applicants submits that complainant and her husband both are in Government employment. Complainant is working as "Nurse" in Primary Health Centre, Sothi, District Janjgir Champa and applicant-husband is posted as 'Assistant Engineer' in Steel Authority of India Limited, Bhilai. The applicants are resident of Bhilai, whereas the parental house of complainant is at Champa. As per requirement of job of complainant, she was residing at her parents' house situated in Champa to perform her duty. Applicant-husband had purchased two wheeler for her to attend her job from her parents' house to place of her employment. He further submits that complainant herself did not want to reside with the family of her husband, therefore, rented accommodation

was also taken at Bhilai. He further pointed out that It is the complainant who stated before the Counselor that counselling proceedings may be closed and action be taken against her husband and in-laws. The allegations levelled against the applicants are false and baseless. Applicant is a Government employee, having young child aged about two years, mother of applicant is aged about 60 years, hence, they may be extended benefit under Section 438 of Cr.P.C.

6. On the other hand, learned State Counsel opposes the submissions made by learned counsel for the applicants. She submits that as per the written complaint & FIR, from inception of marriage, complainant was being harassed on account of demand of dowry, her in-laws were demanding Rs.15 lac cash and a Car. She also submits that husband of complainant is having extra-marital affair with one lady by name Anita, therefore, he does not want to keep complainant in his company.
7. Learned Counsel for the Objector adopting the submissions made by the learned State Counsel, submits that mother of complainant stated that the complainant was manhandled, therefore, she had called the Police also. After birth of child, when complainant came back to her matrimonial house she was not permitted to enter in the house, therefore, she went back and started residing in a rented accommodation. Hence, they are not entitled for grant of anticipatory bail.
8. At this stage, learned counsel for the applicant submits that rented accommodation where the complainant stayed as per allegation has been taken by applicant husband himself because complainant wife does not want to reside alongwith her in-laws.
9. Heard learned counsel for the parties.

10. Copy of FIR is placed on record as Annexure A-5 wherein complaint has been lodged that complainant's in-laws were demanding Rs.15 lac cash and a Golden Chain as dowry. The allegations are levelled against all the in-laws ie husband, father-in-law, mother-in-law, brother-in-law. Mother of complainant in her statement has made allegation with regard to manhandling. It is an admitted fact that complainant is posted as "Nurse" at Primary Health Centre, Sothi, District -Janjgir Champa and She continued in service even after her marriage and attending her job from her parental house. She has a child from their wedlock.
11. FIR, which is based on written complaint, does not reflect allegation with regard to manhandling done by any of the applicants.
12. Considering the entire facts and circumstances of the case, nature of allegations, rival contention of the parties, complainant is in Government employment and even after the marriage she is continuing in service from her parents house, applicant husband is also a Government Servant, applicant mother is an old lady of 60 years of age, I am of the view that present is a fit case where applicants should be enlarged on anticipatory bail.
13. Accordingly, application is allowed and it is directed that in the event of arrest of the applicants in connection with the crime in question, they shall be released on anticipatory bail by the officer arresting them on their furnishing 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 the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;

- (ii) 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 from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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

Jamal/-