

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 659 of 2021**

1. Smt. Kritika @ Bulbul And Another W/o Shri Shivesh Dey Aged About 28 Years R/o Balaji Nagar, Siddhi Vinayak Ward No. 10, Tehsil And District Chhindwada, (M.P.).
2. Smt. Rinku W/o Shri Devashish Choudhari Aged About 50 Years R/o Balaji Nagar, Siddhi Vinayak Ward No. 10, Tehsil And District Chhindwada (M.P.).

---- Applicants**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Kotwali, Korba, District Korba Chhattisgarh.

---- Non-applicant

For Applicants : Shri Vivek Kumar Agrawal, Advocate
 For Non-applicant/State : Shri Vimlesh Bajpai, G.A.

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**16.07.2021**

1. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.147 of 2021, registered at Police Station Kotwali, Korba, District Korba (C.G.), for offence punishable under Sections 420, 406, 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, the complainant/husband of applicant and son-in-law of applicant No.2 has lodged First Information Report on 28.02.2021 mentioning therein that he married with applicant No.1. After 14.05.2019, his wife showing her necessity has demanded money, which he paid to the tune of Rs.1,62,500/-, thereafter, she left Korba and went to Chhindwada

on 02.07.2019 and at present, she is running the Teren Design Studio at Nagpur. As per allegation, on 21.08.2019 applicant No.1 came to Korba along with her mother and from the joint account withdrawn Rs.1,50,000/- and also removed ornaments from the locker of Bank of Baroda amounting to Rs.2,50,000/-. It is further alleged that he revealed that prior to the marriage, she was earlier engaged to one Vidyut Gupta of Ahmedabad and during the ring ceremony, she was given diamond ring, which was not returned by her. The applicant and her mother is thereby involved in cheating. Based on the complaint, instant crime and offences are registered against the present applicants.

3. Shri Vivek Kumar Agrawal, learned counsel for the applicants submits that applicant No.1 is legally wedded wife of complainant and applicant No.2 is his mother-in-law. After the marriage, complainant-husband started ill-treating her, aggrieved by which, applicant No.1 has lodged complaint at Police Station Kundipura, District Chhindwada, Madhya Pradesh on 06.02.2021, based upon which, crime for the offence punishable under Section 498-A of the IPC and Sections 3 and 4 of the Dowry (Prohibition) Act, 1961 was registered. After the registration of First Information Report on the complaint of applicant No.1, complainant has got the First Information Report registered against the present applicants on false and frivolous allegation only on 28.02.2021. He further submits that even if the complaint of withdrawal of money and removing the ornaments from the joint account of the locker to be operated jointly by applicant No.1 and complainant is

accepted, then also applicants have not committed any offence, hence, present applicants are entitled for anticipatory bail.

4. Per contra, Shri Vimlesh Bajpai, learned Government Advocate representing the State vehemently opposes the bail application and read over the contents of First Information Report in support of his contention. He submits that applicants are in the habit of cheating by engaging and performing marriage, hence, they are not entitled for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations, particularly the contents of First Information Report that the account of Bank of Baroda is the joint account in the name of applicant No.1 and complainant, there is no allegation of operating the locker by committing any illegality and further that present First Information Report has been lodged by the complainant only on 28.02.2021 after registering First Information Report by applicant No.1 on 06.02.2021 at Police Station Kundipura, District Chhindwada, Madhya Pradesh, without commenting anything into the merits of the case, I am inclined to release the present applicants on anticipatory bail.
7. Accordingly, bail application is 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 anticipatory bail on their furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum

to the satisfaction of the arresting officer and they shall be abide by the following conditions :-

- (i) they shall make themselves available for interrogation by a police officer 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 them from disclosing such facts to the Court or to any police officer.
- (iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge