

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 808 of 2020

1. Moinuddin Khan S/o Alauddin Khan Aged About 22 Years R/o Village-Vicharpur, Police Station- Sahaspur Lohara, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
2. Alauddin Khan S/o Ajijuddin Khan Aged About 53 Years R/o Village-Vicharpur, Police Station- Sahaspur Lohara, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
3. Hasina Begum W/o Alauddin Khan Aged About 50 Years R/o Village-Vicharpur, Police Station- Sahaspur Lohara, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
4. Sabina Raza W/o Salam Raza Aged About 32 Years Caste- Musalman, R/o Near Lohara Nake, Kawardha, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through- District Magistrate, Kawardha, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicants	:	Shri Dharmesh Shrivastava, Advocate
For State	:	Smt. Hamida Siddiqui, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/01/2021

Heard.

1. The applicants have filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as they are apprehending their arrest in connection with Crime No. 72/2020, registered at Police Station- Sahaspur Lohara, District- Kabirdham (CG) for alleged commission of offence under Section 498-A IPC.

2. Case of the prosecution, in brief, is that the applicants, who are the husband, father-in-law, mother-in-law and sister-in-law, kept on harassing and torturing the prosecutrix, wife of applicant No.1- Moinuddin Khan, stating that in the marriage, motorcycle and good amount of cash have not been given.
3. Learned counsel appearing for the applicants would argue that there is longstanding dispute between the husband and wife and some compromise has been arrived at. But, again dispute arose and wife is presently residing in the parental house. Attempt is being made to resolve the dispute by lodging criminal case on false allegation. Learned counsel for the applicants would submit that the allegation against the mother-in-law and sister-in-law of harassing are general in nature and each and every member of the family has been involved when dispute could not be resolved between the parties. Learned counsel for the applicants further submits that the allegation are omnibus in nature and without any specific detail and it is only when the applicant parties was not taking back the wife from her parental house after she delivered a child, that the report has been finally lodged. Therefore, under these circumstances, it is prayed, the applicants may be protected by granting them benefit of anticipatory bail.
4. On the other hand, learned counsel for the State opposed the bail application by submitting that in the report lodged by the prosecutrix, it has been clearly stated that after the marriage was solemnized in the month of March 2018, after some time, the prosecutrix was subjected to harassment by mother-in-law and sister-in-law. Mother-in-law was continuously torturing saying that motorcycle and sufficient cash have not been given in marriage and sister-in-law had taken the jewellery. The prosecutrix was being subjected to domestic work and she was used to be scolded also.
5. In the present case, the allegation was that the marriage was solemnized in the month of March 2018. According to the wife, a dispute had earlier arisen between the parties and some kind of compromise was entered on 7.9.2018 and document to that effect was executed and wife had started

residing with the husband. She went to paternal house and there she delivered a child. Thereafter, it has been alleged that despite repeated request, the husband is not taking back the wife with the children and finally report has been lodged in the police station. In this background of dispute between the parties, in the opinion of this Court, present is a fit case for grant of anticipatory bail.

6. The application is accordingly allowed and it is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer, with following further conditions that:-

(i) the applicants shall make themselves available for interrogation by the police officer as and when required;

(ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge