

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCrCA No. 739 of 2021**

1. Kamini Netam Aged About 31 Years, D/o Shiv Netam, Caste Gond, R/o Tehsil Surhi, Police Station Narharpur, District North Bastar Kanker Chhattisgarh.
2. Tiharuram, Aged About 60 Years, S/o Chamar Singh Dhruv, Caste Gond, R/o Village Bendrapani, Tehsil Nagari Police Station Keragaon, District Dhamtari Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh, Through Station House Officer, Kanker, District Kanker Chhattisgarh.

---- Respondent

MCRCA No. 750 of 2021

- Shivbati Dhruv, Aged About 45 Years, W/o Late Bihari Lal Dhruv Caste Gond, R/o Uday Nagar, Police Station Kanker, Tehsil And District Kanker Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Kanker, District Kanker Chhattisgarh.

---- Respondent

For Applicants	:	Shri Rajesh Roshan Singh, Advocate.
For Respondent-State	:	Shri B.P. Banjare, Deputy Government Advocate.

Hon'ble Shri Justice Parth Prateem Sahu, Judge
Order on Board

03.08.2021

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.43 of 2021, registered at Police Station Kanker, District Kanker (C.G.), for offence punishable under Section 498 (A) and 34 of the Indian Penal Code.

2. The case of the prosecution is that the Complainant-Tanuja Dhruw and Dinesh Dhruw got married on 16.02.2020. After marriage, when the Complainant went to her matrimonial home, the present Applicants and her husband started raising dispute on trivial issues and they also demanded money for a sum of Rs.50,000/- on the ground that the husband of the Complainant is required to repay the loan amount which he had borrowed for purchase of four-wheeler. They also made comments and tortured her with respect to the gift articles given by her parents stating it to be of inferior quality. The in-laws of the Complainant had taken her for performing some worship on her and thereafter her mind was not stable and was feeling distressed. In her matrimonial house, the in-laws did not talk to her and when she come to hall, all the members of the family go back to their own rooms. The FIR has been lodged based on the written complaint dated 03.01.2021. Applicants are sister-in-law and uncle-in-law in MCrCA No. 739 of 2021 and mother-in-law in MCrCA No.750 of 2021.
3. Shri Singh, the learned counsel for the Applicants would submit that the allegations levelled against the present Applicants are false and baseless. The husband of the Complainant is working as Constable in Police Department (Cyber Cell) and the father of the Complainant is working as Inspector in the Police Department. After marriage, relation between the Complainant and Dinesh Dhruw was cordial but after sometime of the marriage, the Complainant could not able to adjust herself with her in-laws because of which some trivial disputes took place. He refers to the page No. 15 of the bail application to argue that when the mother of the Complainant visited the matrimonial house of the Complainant, some oral dispute took place between Dinesh Dhruw (husband) and Nilmani Netam i.e. the mother of the Complainant upon which she slapped Dinesh Dhruw. This incident was reported by Dinesh Dhruw, the husband of the Complainant to the concerned Police Station on 18.11.2020 upon which both the parties were

called including the mother of the Complainant Nilmani Netam, where she admitted her guilt and had given an undertaking that she will not act in such manner. He further referred to the same document to argue that in the same proceedings, the Complainant herself made a statement by writing that she is going alongwith her husband on her own will. Father of the Complainant is also working as Inspector in Police Department and on his instructions false and fabricated complaint is lodged raising allegation against her husband and all her in-laws. He submits that the husband of the Complainant has been enlarged on bail in MCrCA No. 315 of 2021 hence, present Applicants, who are in-laws, may also be enlarged on anticipatory bail.

4. Shri B.P. Banjare, learned counsel for the State however, opposes the submissions made by learned counsel for the Applicants, he read over the written complaint and the statement of Tanuja Dhruw (Complainant) recorded under Section 161. He submits that the allegations levelled by Complainant are serious, hence, Applicants are not entitled for the grant of anticipatory bail. Upon asking him to read over the statement of mother of the Complainant Nilmani Netam, he read over the statement of Smt. Nilmani Netam also before this Court.
5. I have heard learned counsel for the parties.
6. Taking into the consideration the nature of the allegations, the proceedings drawn by the Police on 18.11.2020, wherein the mother of the Complainant-Smt. Nilmani Netam has accepted that she had slapped her son-in-law i.e. the son of the Applicant-Shivbati and has given an undertaking that she will not act in such manner in future, in her statement, general allegations have been made against all the in-laws including the Applicants. Taking into consideration the fact that the husband of the Complainant has already been enlarged on bail and further the period of marriage of the Complainant and Dinesh Dhruw, without commenting anything on the merits of the case, I am inclined to enlarge the Applicants on anticipatory bail.

7. Accordingly, bail applications are allowed. 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 of a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each of them 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