

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 749 of 2021**

1. Md. Mojahid, S/o. Late Md. Ayyub Aged About 55 Years
 2. Smt. Parveen Begum W/o. Md. Mojahid Aged About 50 Years
 3. Fakra Kouser D/o. Md. Mojahid And W/o. Akib Ashraf Aged About 26 Years
- R/o. Ward No. 40, Nawagarh Chowk, Ambikapur, Police Station And Tehsil Ambikapur, District Surguja (Chhattisgarh)

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Mahila Thana Ambikapur, District-Surguja (Chhattisgarh)

---- Respondent

For Applicants	: Shri Manoj Paranjpe, Advocate
For Respondent/State	: Ms Anjali Singh Chouhan, Panel Lawyer
For Objector	: Shri CJK Rao, Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****(Proceeding through Video Conferencing)****09.08.2021**

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. 31 of 2021 registered at Police Station Mahila Thana, Ambikapur, District Surguja Chhattisgarh for commission of offenses punishable under Sections 498-A, 323, and 34 of IPC and Section 4 of Muslim Women (Protection of rights on marriage) Act, 2019.
2. Case of the prosecution, in brief, is that, complainant got married with Md Mohsin Firdousi, s/o applicants-1 and 2 and brother of applicant-3 on 01.08.2020. Complainant left her matrimonial house on 23.03.2021 and thereafter, written complaint was lodged before concerned Police Station, levelling allegations of ill-treatment, harassment for demand of dowry. She was administered some medicine due to which she suffered miscarriage. Applicant-1 threatened of her life stating he will shoot her by his licensed gun.

Her husband divorced her by pronouncing 'Talaq', based upon which on 04.05.2021 FIR was registered against applicants.

3. Applicants, apprehending their arrest, filed this anticipatory bail application after rejection of their application by the Court below.

4. Shri Manoj Paranjpe, learned counsel for the applicants would submit that marriage of complainant with Md Mohsin Firdousi, S/o applicants-1 and 2 and brother of applicant-3 took place on 01.08.2020. After marriage, complainant resided with her husband for sometime happily, but she could not be able to adjust herself in matrimonial house of applicants, some trivial disputes took place between them. He further submits that general and omnibus allegations have been levelled against all family members with regard to harassment and demand of dowry. Applicant-1 is an Advocate, as appearing from Ex.A4. Applicant-3 is sister-in-law of complainant, who got married on 03.08.2020, she is an Engineering Graduate and registered her name for Civil Works. He submits that looking to nature of allegations and age of applicants 1 and 2, applicant-3 has begun her married life and also taken her profession as Engineer, may face adverse consequences, if they will not be granted anticipatory bail. He submits that offence under Section 4 of Muslim Women (Protection of rights on marriage) Act, 2019. would not be attracted against present applicants, as the same is applicable to Husband only.

5. On the other hand, Ms Anjali Singh Chouhan, learned counsel for the State opposing the submissions of learned counsel for the applicants,

read over statement of complainant recorded under Section 161 of CrPC and submits that there are allegations of assault by applicant-3 and also that they forced complainant to execute some document. Learned State counsel further argued that from the initial days of marriage, applicants assaulted complainant on ground of demand of dowry.

6. At this stage, learned counsel for applicants submits that in FIR, there is no allegation of assault made by present applicants, particularly applicant-3, statement making allegation of assault and executing document are only to make severe allegations against present applicants in statement recorded u/s 161 CrPC of the complainant.

7. Shri CJK Rao, learned counsel for complainant/Objector submits that in written complaint of complainant, in FIR as also in statement recorded under Section 161 of CrPC, there are serious allegations against applicants. He further submits that there is allegation against applicant-1, that he threatened complainant of shooting her from his licensed gun, hence applicants are not entitled for benefit under Section 438 of CrPC.

8. I have heard learned counsel for the parties.

9. Taking into consideration nature of allegations levelled against the applicants, allegations are general and omnibus in nature against all, and also considering contents of FIR and statement of complainant recorded under Section 161 CrPC, applicant-1 is registered as Advocate and applicant-3 is registered as Engineer (Civil), without commenting

anything on merits of case, I am inclined to grant anticipatory bail to the applicants.

10. 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/- (Rupees twenty-five thousand) each with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicants shall also abide by the following conditions:

- a) That the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- b) 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 them from disclosing such facts to the Court or to any Police Officer;
- c) That the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma