

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 829 of 2021

1. Vinod Soni, S/o Ganesh Soni, aged about 56 years, R/o Holding No.-23, P.N.B. Colony, Niyam Allied Tower, Sonari, Jamshedpur (Jharkhand).
2. Anish Soni S/o Vinod Soni, aged about 32 years, R/o Holding No.-23, P.N.B. Colony, Niyam Allied Tower, Sonari, Jamshedpur (Jharkhand).

---- Applicants

Versus

- State of Chhattisgarh, Through the Police Station Jashpur, District - Jashpur (CG)

---- Non-applicant

For Applicants	:	Mr. Praveen Das, Advocate
For Non-applicant	:	Mr. Roshan Dubey, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

29/7/2021

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.94/2021 registered at Police Station Jashpur, District Jashpur (CG) for commission of offence punishable under Sections 494, 498A of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 18.1.2019 the complainant was married to Manish Soni and after marriage, she started residing in her matrimonial home in Jamshedpur. From initial days of marriage, members of in-laws family of complainant started harassing her for demand of Rs.30,00,000/- and house-hold articles. When the complainant conceived pregnancy, she was compelled by her husband to abort her pregnancy on the ground that he does not want child

at that moment. The complainant returned to her parents' house in January, 2020 and thereafter complaint was lodged based upon which instant crime is registered on 26.4.2021 against present applicants and three others i.e. sister-in-law, mother-in-law and husband of complainant.

3. Mr. Praveen Das, learned counsel for applicants would argue that present applicants are father-in-law & brother-in-law of complainant respectively. After marriage, the complainant resided in her matrimonial home only for a short period, returned back to her parental home on 9.4.2019, came back after some time, again went to parent's house and thereafter did not come back to her matrimonial home. He further submits that the complainant and her family members used to harass and give threats to applicants and other family members, therefore, on 2.12.2019 Manish Kumar Soni, husband of complainant, has filed informative petition bearing No.13234/2019 before the Chief Judicial Magistrate at Jamshedpur specifically narrating conduct of complainant and her family members. He further submits that even after best efforts of family members of the complainant's husband, when the complainant did not come back to her matrimonial home, on 25.1.2021 Manish Kumar Soni, husband of complainant, filed an application under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights in which notices have been issued on 6.2.2021 and the complainant submitted her reply to application filed under Section 9 of the Hindu Marriage Act, 1955 on 6.4.2021. He further submits that only after service of notice of application for restitution of conjugal rights and putting her appearance before the Family Court at Jamshedpur, the complainant, as a counter blast, has filed instant complaint on 26.4.2021 against her husband and his family members making false allegation of harassment and cruelty for demand of dowry. He further submits that from the contents of complaint it is evident that allegations contained therein are bald and baseless and omnibus allegations against

all the members of in-laws family have been levelled. He further submits that there is no specific allegation levelled by complainant against present applicants, hence they may be granted anticipatory bail.

4. Mr. Roshan Dubey, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that there are specific allegations of harassment, ill-treatment and demand of dowry of Rs.30,00,000/- and furniture by complainant's husband and his family members. In support of his submission, learned State Counsel read out contents of FIR as also statements of complainant and her parents.
5. I have heard learned counsel for the parties.
6. As per complaint itself, marriage between the complainant and Manish Kumar Soni was solemnized on 18.1.2019. Applicants have placed on record copies of proceedings instituted in the form of informative petition before the Court of Chief Judicial Magistrate, Jamshedpur on 2.12.2019 in which specific averments regarding behaviour of complainant and also threats given by family members of complainant, were made. Another informative petition was filed on 7.4.2021. Applicants have also placed on record copy of Matrimonial Suit No.69/2021 filed under Section 9 of the Hindu Marriage Act, 1955 by complainant's husband before the Principal Judge, Family Court, East Singhbhum, Jamshedpur for restitution of conjugal rights. Copy of notice issued by 'Sakhi One-stop Centre' Department of Women & Child Development, Jashpur on 23.1.2021 for appearance of Manish Soni and applicant No.2 on 15.2.2021 is filed as Annexure A-6 and typed copy of statement of complainant is also placed on record. Learned counsel for the applicant has filed copy of reply and order sheets of matrimonial suit.

7. Taking into consideration the facts and circumstances of case; nature of allegations; the proceedings filed by husband of complainant before the Chief Judicial Magistrate, Jamshedpur in the shape of informative petition; application for restitution of conjugal rights before the Principal Judge, Family Court, East Singhbhum, Jamshedpur; statement of complainant filed along with notice Annexure A-6; period of marriage; the complainant is having a small child from her wedlock; applicants are father-in-law & brother-in-law of complainant, without commenting anything on merits of the case, I am inclined to release present applicants on anticipatory bail.
8. 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/- 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 they shall make themselves available for interrogation before the Investigating Officer as and when required;
 - (ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him / her from disclosing such facts to the Court or to any police officer;
 - (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-