

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 808 of 2021**

1. Seuk Ram And Others S/o Jagannath Tandon, Aged About 46 Years
 2. Savitri Bai W/o Seuk Ram Tandon, Aged About 44 Years
 3. Ku. Manisha Tandon D/o Seuk Ram, Aged About 18 Years
- All R/o Bichpara, Ward No. 12, Bodla, Police Station Bodla, District - Kabirdham Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through - District Magistrate, Kabirdham, District Kabirdham Chhattisgarh

---- Respondent

For Applicants	: Shri CP Lahrey, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

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

10.08.2021

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. 135 of 2021 registered at Police Station Bodla, District Kabirdham, Chhattisgarh for commission of offenses punishable under Sections 498-A, and 34 of IPC.
2. Case of the prosecution, in brief, is that, complainant got married with Uttam Tandon on 10.05.2019. On 04.02.2021, complainant lodged report in Police Station Bodla making allegations against present applicants that after 15 days of their marriage, Husband and present applicants started ill-treating, harassing and abusing her with regard to demand of dowry. It is stated that she has not brought household articles and two-wheeler, hence how complainant would go to place of work and made demand of cash. It is also alleged that from her wedlock, she is blessed with a girl child, who appears to

be mentally retarded and proper treatment was not being provided by the applicants and her husband. Written report of complainant-Yashoda was referred to Family Conciliation Centre, where, family conciliation proceedings were drawn. Thereafter, on the statement of complainant that she wants proceedings against present applicants and her husband, instant crime was registered against the applicants.

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

4. Shri CP Lahrey, learned counsel for the applicants would submit that allegations against present applicants are false and frivolous. After 10 days of marriage, complainant got appointment on the post of Rojgar Assistant, at Kopedabri Panchayat which is nearer to her parental house. Complainant and her husband started living in her parental house for facilitating complainant in discharging her duties, as her place of posting is 4-5 km away from parental house. Time to time, they used to visit matrimonial house of complainant. He also argued that in proceedings before conciliation centre, applicants-1 and 2 stated that, if complainant and her husband wants to live separately, they are free to live separately and assured for complete treatment of girl child, who is mentally retarded. Complainant herself is not willing to reside with her husband and false allegations have been made against applicants. Husband of complainant asked her to reside in her matrimonial house and from there to discharge her duties as Rojgar Assistant which is cause of dispute. He referred to conciliation proceedings and argued that even husband of complainant made statement before Police Officer that he is ready to

take complainant and will keep her in accordance with her own will. He further submits that present applicants are father-in-law, mother-in-law and sister-in-law of complainant. They may be enlarged on bail under Section 438 of CrPC.

5. On the other hand, Shri Vimlesh Bajpai, learned counsel for the State opposing the submissions of learned counsel for the applicant, read over the contents of complaint and submits that there are serious allegations as they started harassing, ill-treating and also abusing complainant from the initial days of her marriage, with regard to demand of dowry. Learned counsel does not oppose conciliation proceedings, wherein it is mentioned that husband of complainant was ready to keep her according to her wish and will and applicants-1 and 2 stated that they can live wherever they want.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicants, period of marriage, fact that complainant and her husband are having a girl child, who is mentally retarded, requires continuous treatment, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicants.

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/- (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