

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.838 of 2021

- Richa Agrawal, D/o Shri D.R. Agrawal, aged about 31 years, R/o A/402, Dolphin Plaza, Daldal Seoni Road, Mowa, Raipur, Tahsil and District Raipur (CG)

---- Applicant

Versus

- State of Chhattisgarh, through the District Magistrate Durg, District Durg (CG)

---- Non-applicant

MCRCA No.859 of 2021

- Prateek Agrawal, S/o Shri D.R. Agrawal, aged about 29 years, R/o A/402, Dolphin Plaza, Daldal Seoni Road, Mowa, Raipur, Tahsil and District Raipur (CG)

---- Applicant

Versus

- State of Chhattisgarh, through the District Magistrate Durg, District Durg (CG)

---- Non-applicant

For Applicants	:	Mr. Ashish Shrivastava, Sr. Advocate with Mr. Aman Pandey & Mr. Rohishek Verma, Advocates
For Non-applicant	:	Mr. Sunil Otwani, Addl. Advocate General.
For Complaint/objector	:	Mr. Shashank Thakur, Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

12/8/2021

1. Both the above anticipatory bail applications arise out of the same crime number, hence they are being heard together and disposed off by this common order.
2. M.Cr.C. (A) No.838/2021 is filed by sister-in-law of complainant and M.Cr.C.(A) No.859/2021 is filed by husband of complainant for grant of anticipatory bail to them as they apprehend their arrest in connection with Crime No.51/2021 registered at Police Station Mahila Thana, Durg Sector-6, Bhilai, District Durg (CG) for commission of offence punishable under Sections 498A, 34 of the Indian Penal Code and

Section 4 of the Dowry Prohibition Act, 1961.

3. Case of the prosecution, in brief, is that the complainant got married with applicant Prateek Agrawal on 24.5.2020. On the second day of marriage, present applicants have started taunting the complainant by saying that she is negligent and not able to do any work. Present applicants had taken all her ornaments worth Rs.40 Lakh, which was given to her in marriage, and the father-in-law of complainant without informing the complainant had kept all her ornaments in the bank lockers. When complainant asked about her ornaments, applicant Prateek Agrawal started ill-treating, harassing her and also stopped talking to her. The complainant was forced to tender apology before her husband and in-laws. The complainant was also harassed by saying that she does not know cooking. After marriage, complainant was compelled to close her instagram and other social media accounts. Applicants have obtained passwords of social media accounts of complainant and started operating the same. In the month of October, 2020 as the complainant was feeling weakness, she requested to keep maid servant for household works, on this applicant Prateek Agrawal had quarrelled with her, assaulted her and said that they will keep maid servant for household works only when she will bring cash of Rs.20 lakhs from her parents. Applicant husband within the interval of 10-15 days reminds her to bring Rs.20 lakhs from her parents. Complainant was not properly provided food. At the time of marriage talks, applicant husband has given wrong biodata showing him to be engaged in different businesses and thereby earning Rs.20-25 laksh per annum. When complainant expressed her desire to celebrate her first marriage anniversary, applicant Richa Agrawal got annoyed. Applicant Prateek Agrawal also quarrelled with her. On 23.5.2021 applicant husband took her to Hotel Hayat for celebrating first marriage anniversary. On 24.5.2021, after taking breakfast, the complainant and her husband went to

sleep. On the same day, at about 1:00-1:30 p.m. applicant husband started quarrelling with complainant on trivial issue as to why she had slept for long time. Complainant was also not provided lunch even after her asking. Dispute between the two aggravated and the complainant called her parents from Bhilai, whereupon father & brother of complainant came to Hotel Hayat, Raipur and took back the complainant with them to Bhilai. Looking to the condition of complainant, she was admitted in KGN Maternity Hospital where she took treatment for about 3-4 days. Written complaint is made on 2.6.2021 based upon which instant crime is registered against against present applicants.

4. Mr. Ashish Shrivastava, learned Senior Counsel for applicants submits that allegations of ill-treatment, harassment and demand of dowry from complainant are totally false and baseless. Mother of applicants left for heavenly abode much prior to the marriage. Complainant was having modern/ advanced life style which is causing trivial dispute between them. Complainant could not able to adjust herself in the family of applicants which is a very small family having only four members including complainant. He submits that FIR was lodged by complainant with the help of police inspector, therefore, allegations in complaint/FIR have been mentioned as per instruction/guidance of police inspector. Complainant herself does not want to reside in joint family with her sister-in-law and father-in-law, therefore, after few months of marriage, she started pressurizing applicant husband for residing separately and on his refusal, she started quarrelling on trivial issues. Complaint is made only to create scene for separation of applicant husband but as there is no one to take care of applicant's father, applicant husband refused to separate himself from his family. He also referred to medical documents placed on record along with objection. He further submits that marriage of complainant with applicant Prateek Agrawal was solemnized on 24.5.2020 and complainant is

carrying pregnancy of about six months. He referred to the proceedings drawn by the Family Conciliation Centre, which are placed on record along with an application for taking additional documents on record and submits that the complainant herself expressed her desire before the Family Reconciliation Centre to live with applicant husband if he is ready to reside separately with her. Hence, both the applicants may be extended benefit of anticipatory bail under Section 438 of CrPC.

5. Mr. Sunil Otwani, learned Additional Advocate General for the State opposes the submissions made by learned Senior Counsel for the applicants and submits that from the contents of complaint and FIR it is apparent that from initial days of marriage the complainant was ill treated, harassed and assaulted. Applicants have also made demand of Rs.20 Lakhs cash. Upon reading of complaint it is clear that both the ingredients of offence defined under Section 498A of IPC i.e. demand of dowry and treating the complainant with cruelty, are present in instant case. He further read over contents of complaint and FIR to submit that within two days of marriage, the complainant was stated to be not good looking and she was asked to close her instagram and other social media accounts. Passwords of social medial accounts of complainant have also been taken by the applicants. Despite intimation by the complainant that she is feeling weakness, present applicants refused to keep maid servant for household works and thereby the complainant was harassed. He submits that complainant had specifically stated and made allegation that maid servant of the house is eyewitness to the act of ill-treatment, harassmet and cruelty meted out to her. He referred to the statement of maid servant Aarti Agrawal in support of his contention. He also pointed out that on the date of marriage anniversary also applicant Prateek Agrawal had quarrelled and assaulted the complainant. Submission of learned Senior Counsel for applicants that complainant is an

alcoholic is also not correct. The word 'toxic' mentioned in medical prescription of Gynaecologist cannot be equated with 'liquor', it was used in different connotation. He submits that as probability of false implication is not there, therefore, present applicants are not entitled for benefit under Section 438 of CrPC.

6. Mr. Shashank Thakur, learned counsel for the complainant/ objector vehemently opposes the prayer for grant of anticipatory bail to present applicants and submits that the word 'liquor' used in medical prescription is with respect to fluid found in womb of a pregnant lady. Document Annexure O-3 clearly mentions that on the date of admission in hospital, the complainant was pregnant. He submits that applicants have tortured the complainant physically and mentally both. He also referred to contents of complaint and argued that applicant husband was gifted total cash amount Rs.19 Lakhs on different occasions. Ornaments worth Rs.40-50 Lakhs has been gifted by parents of complainant in her marriage. At the time of marriage, parents of complainant have gifted one SUV four wheeler worth Rs.21 Lakhs. Despite all this, applicants have harassed the complainant and treated her with cruelty. After marriage, present applicants have demanded dowry of Rs.20 Lakhs due to which complainant got adversely affected, as is evident from medical documents annexed along with objection as Annexure O-3.
7. I have heard learned counsel for the parties and perused case diary and also documents annexed with bail applications and objection.
8. Complainant has just started her married life with applicant Prateek Agrawal. Both of them got married on 24.5.2020 and from their wedlock, the complainant conceived and is carrying pregnancy of 18-20 weeks as on 24.5.2021 (Annexure O-4). Perusal of proceedings of the Family Reconciliation Centre, which are placed on record with an application for taking

additional documents on record and also available in case diary, would show that in the proceeding dated 27.6.2021 the complainant has accepted that applicant husband has returned key of four wheeler and passport. She has further stated that she wants to live with applicant husband; she wants proceeding against them if husband will not reside with her separately.

9. Taking into consideration the facts and circumstances of case; nature of allegations against applicants, period of marriage, the fact that complainant is expecting a child from her wedlock with applicant husband and further considering the proceeding dated 27.6.2021 recorded before the Family Reconciliation Centre, without commenting anything on merits of case, I am inclined to grant benefit of anticipatory bail to both the applicants.
10. Accordingly, both the anticipatory bail applications are allowed and it is directed that in the event of **arrest of applicant Richa Agrawal [M.Cr.C. (A) No.838/2021) Prateek Agrawal [M.Cr.C. (A) No.859/2021)** 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. **Applicants Richa Agrawal & Prateek Agrawal** 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 her by the said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-