

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 834 of 2021**

1. Dayanand Sharma S/o Lt. Suresh Sharma, Aged About 37 Years,
 2. Smt. Meera Sharma W/o Lt. Suresh Sharma, Aged About 65 Years,
- Both R/o Sonapuri Road, Baman Ghat Saitala Jaipath Kalitala, Kolkata, 24 Pargana North, West Bengal.

---- Applicants**Versus**

State of Chhattisgarh, Through P. S. Mahila Thana, District Bilaspur Chhattisgarh

---- Non-applicant

For Applicants : Shri Achyut Tiwari, Advocate

For Non-applicant/State : Shri Shrikant Kaushik, P.L.

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board**02.08.2021**

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.35 of 2021, registered at Police Station Mahila Thana, District Bilaspur (C.G.), for offence punishable under Sections 498-A, 294, 506, 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, the complainant was married with applicant No.1 On 03.12.2016. Before the marriage, Rs.4 Lacs was given to applicant No.1 on his demand. After marriage, she went to her in-laws house and thereafter, went for honeymoon trip. During the trip, applicant No.1 has inquired with

complainant with regard to properties recorded in the name of his father movable and immovable, to which, she did not reply. The applicants used to harassed, abused and assault the complainant and therefore, she return back along with her parents to her parents house at Bilaspur in the year 2017. Applicant No.1 sent obscene messages and also threatened her on mobile phone. In the year 2019, applicants came there and at that time also, she was abused and threatened by the applicants. Complaint to concerned Police Station was made in the month of March 2021. Based on the complaint, instant crime is registered against the present applicants.

3. Shri Achyut Tiwari, learned counsel for the applicants submits that after marriage on 03.12.2016, complainant wife of applicant No.1 resided only for about 6 months in her in-laws house and returned back in the month of June 2017 along with her parents and thereafter, she did not return back to her matrimonial house. Complainant herself could not able to adjust herself in the matrimonial house and therefore, within a short period of time, she returned back to her parents house. Applicants are resident of Kolkata, applicant No.1 is working as Professor in the NIT, Surat and applicant No.2 is an old-aged lady of about 65 years. He further submits that complaint against the present applicants of ill-treatment and harassment has been lodged with inordinate delay, hence, they are entitled for anticipatory bail. He further pointed out that as the conciliation proceeding initiated at Bilaspur was during

the lock-down period on account of COVID-19 pandemic, applicant No.1 could not make himself available.

4. Per contra, Shri Shrikant Kaushik, learned Panel Lawyer representing the State vehemently opposes the bail application and submits that there is specific allegation with regard to demand of dowry at the time of marriage, ill-treatment and harassment of complainant during her stay in her matrimonial house by the applicants and further abusement and harassment in the year 2019 at Bilaspur when applicants came to Bilaspur, hence, applicants are not entitled for grant of anticipatory bail. He further pointed out that during the Family Conciliation Proceeding also, applicant No.1 did not choose to appear, which shows the conduct of applicant No.1.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations levelled against the present applicants, complainant within a period of 6 months of her marriage, returned back to Bilaspur to her parents house in the year 2017 and thereafter, complaint was lodged in the month of March 2021, applicant No.1 is working as Professor in NIT, Surat and applicant No.2 is old-aged lady of 65 years, without commenting anything into the merits of the case, I am inclined to release the present applicants on anticipatory bail.
7. Accordingly, bail application is allowed and 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 for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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