

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 896 of 2021**

1. Mukesh Verma S/o Santosh Verma, aged about 38 years
2. Smt. Rama Deshmukh W/o Yogendra Kumar Deshmukh, aged about 27 years
3. Santosh Verma S/o late Sitram Verma, aged about 55 years

All R/o Shastri Chowk, Diprapara, Ward no. 39, Durg, P.S. Kotwali, Durg, Tahsil & District Durg Chhattisgarh

-----Applicants

VERSUS

- State of Chhattisgarh through: Police Station Lalbagh, District Rajnandgaon, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. P.R. Patankar, Adv.
For Non-applicant- State	: Mr. Anjali Singh Chouhan, P.L.

(proceedings through video conferencing)

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER**12/08/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 110/2021 registered at Police Station Lalbagh, District- Rajnandgaon (C.G.) for the offence punishable under Sections 294, 34 of IPC and Sections 4 & 5 of Tonhi Pratadna Nivaran Act, 2005.
2. As per the case of prosecution, applicant no. 2 is married to Yogendra Deshmukh at Rajnandgaon on 05.07.2020 when the complainant Goverdhan Deshmukh was in his house along with the family members ie. son Pankaj, Rajesh and Yogendra, at about 02:00 pm, applicant no. 3 along with applicant no. 1 and others reached to

the house of complainant, upon which, complainant asked the guests to go to second floor where applicant no. 2 lives with her husband. At about 03:00 pm, applicants along with others came down and during the talk the dispute occurred, upon which, applicant no. 3 and 1 have abused her using the word “dayan” and said that they will not eat food prepared from her hand. They have also abused her in filthy language. They went out from the house along with her daughter-in-law ie. applicant no. 2. Based on the aforementioned incident dated 05.07.2020, written report was lodged on 03.03.2021 based on which F.I.R. was registered on 16.03.2021, initially, for offence under Section 294 and 33 of IPC. At the time of submission of final report, provisions of Section 4 & 5 of Chhattisgarh Tonhi Pratadna Nivaran Act, 2005 was also added. Applicant filed before Court below was rejected by impugned order, which made the applicants to approach this Court by filing an application for grant of anticipatory bail.

3. Mr. P.R. Patankar, learned counsel for the applicants submits that applicant no. 2 is daughter-in-law of complainant in this case. She was married with Yogendra Kumar Deshmukh on 27.03.2020. Applicant no. 2 was living happily with her husband Yogendra (son of complainant). Applicant no. 2 was ill-treated and harassed on the ground of bringing articles of inferior quality and further that applicant no. 2 was involved in playing witchcraft, abusive words were also used against her on several occasions which made her to file a report before Mahila thana Sector 6, Bhilai, Durg on 13.10.2020 which is after few months after marriage. Based on the written report, F.I.R. was registered against the complainant and the family members on 23.02.2021 for offence under Section 498A and 34 of IPC. He submits that though the allegations of ill-treatment are with regard to tonhi pratadna but the offence under Section 4 & 5 of the

Act was not registered against them. He further submits that the present F.I.R. registered against the applicants is based on the false complaint only as a counter blast to the F.I.R. registered against complainant and others on 23.02.2021. He further submits that in the instant case, date of incident is shown as 05.07.2020 but the complaint was lodged on 03.03.2021 with inordinate delay which itself shows the allegations are false and frivolous. He submits that the applicant no. 3 is working as Lineman at Nagar Nigam, Durg, applicant no. 1 is in private job and applicant no. 2 is carrying pregnancy, hence, they may be enlarged on anticipatory bail.

4. On the other hand, Ms. Anjali Singh Chouhan, learned State counsel opposes the submissions made by learned counsel for the applicants, she read-over the contents of complaint in support of his contention. He further submits that the allegations levelled in the complaint are specifically of abusing and committing crime under Section 4 & 5 of Tonhi Pratadan Nivaran Act, 2005.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation levelled against the present applicants, the fact that the written report was lodged by applicant no. 2 on 13.10.2021 against the complaint, her husband and her younger son, upon which the F.I.R. was registered against them on 23.02.2021 and the present F.I.R. was registered subsequent to the F.I.R. on complaint of applicant no. 2 making allegations of alleged incident to have taken place on 05.07.2020, without commenting anything on merits of the case, I am inclined to allow the bail application.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question

(110/2021), 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 surety in the like sum to the satisfaction of the concerned arresting Officer. Applicants shall also abide by the following conditions:

- (i) that the applicants shall make themselves available for interrogation before the Investigation Officer as and when required;
- (ii) 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 him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) 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.

Sd/-
(Parth Prateem Sahu)
Judge