

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1024 of 2021**

1. Smt. Savitri Devi Gelani Wd/o Late Shri Prabhu Lal Gelani Aged About 80 Years (Wrongly Mentioned as 81 Years In The Impugned Order)
2. Smt. Vina Devi Gelani Wd/o Late Shri Dilip Gelani aged about 58 Years (Wrongly Mentioned as 59 Years in the Impugned Order)

Both are R/o L.I.G. 16, Savitri Sadan, Vivekanand Sabhagar Road, Padmanabhpur, Tahsil And District- Durg Chhattisgarh.

-----Applicants

VERSUS

- State of Chhattisgarh through: District Magistrate, District Raipur, Chhattisgarh

-----Non-applicant

For Applicants	: Mr. Amiykant Tiwari, Advocate.
For Non-applicant- State	: Ms. Anjali Chouhan, Panel Lawyer.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****20/09/2021**

1. Applicants have preferred this application under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 49/2021 registered at Police Station Mahila Thana, District- Raipur (C.G.) for the offence punishable under Section 498-A, 377, 506/34 of IPC.
2. Case of the prosecution is, that on 09.07.2016 complainant got married with Rahul Gelani who is grand son of applicant 1 and son of applicant 2. After sometime of marriage, applicants along with Rahul Gelani started ill-treatment and harassing complainant for demand of dowry. Applicants have also stated that she has not brought appropriate dowry and demanded Rs. 10 Lakh and a car. Husband of complainant made unnatural sex with her which was intimated to applicants upon which applicant 2 has forced the complainant to involved in such activities. Applicants along with co-accused have also assaulted her. When she conceived pregnancy, applicant 2 and

her husband administered some medicine due to which her pregnancy was aborted. Complainant was ousted from her matrimonial house on 29.01.2019. Written report was lodged on 4.6.2021 based upon which aforementioned crime is registered against applicants and co-accused Rahul Gelani (husband of complainant).

3. Mr. Amiykant Tiwari, learned counsel for the applicants would submit that the allegations levelled against present applicants are absolutely false and baseless. Complainant herself could not able to adjust in the family of applicants. She left her matrimonial house with her own will on 29.01.2019. Ld. counsel further submits that written report was lodged only when co-accused Rahul Gelani, husband of complainant, has stated that he want to take divorce from complainant. He further argued that if the applicants have committed any offence as alleged against them, complainant would have lodged written report as soon as she went to her parents house. He submits that the allegations are general, complainant has not made any specific allegations against applicants. Co-accused Rahul Gelani, husband of complainant, has enlarged on regular bail in MCRC No. 5677/2021 vide order dated 25.08.2021. Applicants are old age women of 80 years and 59 years. They have been granted ad-interim bail on 14.09.2021 by this Court, hence, they may be granted anticipatory bail.
4. On the other hand, Ms. Anjali Singh Chouhan, learned State counsel opposes the submissions made by learned counsel for the applicants and submits that in the written report there are serious allegation of demand of dowry against applicants. She submits that there are allegations of ill-treatment and harassing by applicants and further forcing the complainant to involved in making unnatural sex with her husband, hence, applicants are not entitled for the benefit under Section 438 of CrPC.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegations, the fact that complainant left her matrimonial house on 29.01.2019 and thereafter written report was lodged only on 4.6.2021. Applicants are age old women, husband of complainant was released on regular bail, 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 (49/2021), 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 one 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 applicants 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

Pawan