

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 934 of 2021

1. Smt. Sumitra Tandan W/o Shri Jagjeevan Tandan Aged About 52 Years Caste – Satnami,
2. Pratik Tandan S/o Jagjeevan Tandan Aged About 26 Years Caste – Satnami,
Both R/o Gembopara, Kabir Ward No. 16, Mungeli, Police Station And Tahsil Mungeli, District Mungeli Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Mungeli, (wrongly mentioned as Mungeli in the order sheet) District Mungeli Chhattisgarh.

---- Non-applicant

MCRCA No. 952 of 2021

1. Smt. Manisha Tandan W/o Shri Rajkumar, Aged About 30 Years Caste - Satnami, Occupation - Service, R/o Motimpur, Police Station Jarhagaon, Tahsil Mungeli, District Mungeli Chhattisgarh.
2. Nisha Tandan D/o Jagjeevan Tandan, Aged About 28 Years Caste - Satnami, Occupation - Service, R/o Gembopara, Kabir Ward No. 16, Mungeli, Police Station And Tahsil Mungeli, District Mungeli Chhattisgarh.
Presently R/o Near Janpad Panchayat Pathariya, Tahsil And Police Station Pathariya, District Mungeli Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh, Through - Station House Officer, Police Station - City Kotwali, Mungeli, (wrongly mentioned as Mungeli in the order sheet) District Mungeli Chhattisgarh.

---- Non-applicant

 For Applicants : Shri Qamarul Aziz, Advocate
 For Non-applicant/State : Ms. Anjali Singh Chauhan, P.L.

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

13.08.2021

1. Since both the applications are arising out of same crime number, they are being heard and decided by the common order.
2. 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.349 of 2021, registered at Police Station City Kotwali, Mungeli, District Mungeli (C.G.), for offence punishable under Sections 498-A, 34 of Indian Penal Code.

3. Case of the prosecution in brief, is that, complainant got married with applicant No.2 Pratik Tandan on 26.05.2020. Within 15 days of marriage of complainant, mother-in-law applicant in MCRCA 934 of 2021 and sister-in-law who are applicants in MCRCA No.952 of 2021 started harassing her on the ground of demand of dowry. They were harassing her stating that his father has not given car as dowry at the time of marriage. She was asked to do entire household work alone. Mother-in-law and sister-in-law who are in Government employment shows their attitude upon her. She was ill-treated on several occasions. It was further stated that she was abused and assaulted by mother-in-law and sister-in-laws and applicant No.2/husband favours her in-laws and supports them. Based on written complaint dated 16.07.2021, instant crime is registered against the present applicants.
4. Shri Qamarul Aziz, learned counsel for applicants would submit that complainant herself do not want to reside in the company of applicants. She does not like her husband, therefore, from the initial days of marriage, there was some dispute on trivial issues. He further submits that mother-in-law and sister-in-law are in Government employment, they have to leave their residence in morning to discharge their official obligations and comes in the evening. It is the complainant alone who was residing in the house

and have to discharge the obligation being wife, which she does not want to do and this is the reason that she does not want to reside in the company of applicants. It is contended that complainant threatened her husband and in-laws that she will implicate them in false case, for which, a report was lodged by Pratik Tandan on 05.07.2021 before the Superintendent of Police, Mungeli, which is in informatory nature. It is further contended complainant initially lodged a written complaint to Station House Officer, Mahila Police Station, Mungeli on 29.05.2021, in which, allegation is mainly with regard to ill-treatment, non-providing foods and edibles, etc., she was asked to do entire household work as mother-in-law and sister-in-law are in Government job, they used to show her attitude and she was being treated as servant, her husband does not interfere in any manner in the dispute between them when the in-laws ill-treats her. It is further alleged that sometimes mother-in-law and sister-in-law also used to assault her. Based on the written complaint, Family Conciliation Proceeding was initiated wherein from the first Conciliation Proceeding, applicant No.2/husband stated that he wants to keep the complainant/wife along with him. He has pointed out that even in the last Conciliation Proceeding, applicant No.2/husband has specifically stated that if complainant does not want to reside with her in-laws, then he will keep her separately in rented house, but in the Conciliation Proceeding, complainant has not shown her desire to live with applicant No.2/husband, which shows the intention of complainant that she does not want to reside in the company of her husband any further. He further pointed out that

looking to the attitude and act of the complainant, applicant No.2/husband has filed an application under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights before the Family Court, Mungeli, which is pending consideration. It is further pointed out that mother-in-law and sister-in-laws are Government servants, hence, applicants may be enlarged on anticipatory bail.

5. Per contra, Ms. Anjali Singh Chauhan, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicants, submits that in the written complaint, serious allegation are levelled against the present applicants, mentioning that from the initial days of marriage, complainant was being harassed, ill-treated and occasionally assaulted by the in-laws for demand of dowry. She was not being provided proper food etc. She further submits that complainant was ousted on 25.06.2020 from her matrimonial house. She referred to the statement recorded under Section 161 of Cr.P.C. of complainant stating that when she visited house of husband, he has not accepted and permitted her to reside with him, hence, applicants are not entitled for grant of anticipatory bail.
6. I have heard learned counsel for the parties.
7. Taking into consideration aforementioned facts and circumstances of the case, nature of allegations, looking to the period of marriage, contents of written complaint before the Mahila Thana, Mungeli wherein it is mentioned that her father-in-law and husband do not say anything and further that husband has shown

his intention and will in the Conciliation Proceeding before the Family Conciliation Centre that he wanted to keep the complainant/wife along with him and also to take separate accommodation if complainant wants to reside separately, mother-in-law and sisters-in-law are in Government employment, without commenting anything on merits of the case, I am inclined to release the present applicants on anticipatory bail.

8. Accordingly, bail applications (MCRCA Nos.934 of 2021 and 952 of 2021) are 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