

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 953 of 2021**

- Prachi Sonkar Purbiya W/o Shri Vikram Purbiya, Aged About 30 Years R/o Radha Swami Nagar, Bhatagaon, Raipur, District- Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O. P.S- Mahila Thana, District- Raipur, Chhattisgarh

---- Respondent

For Applicant	: Shri Awadh Tripathi, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

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

17.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as she apprehends her arrest in connection with Crime No. 55 of 2021 registered at Police Station Mahila Thana, Raipur, Chhattisgarh for commission of offenses punishable under Sections 498A, 377 and 34 of IPC.
2. Case of the prosecution, in brief, is that, complainant got married with Nishant Sonkar, brother of applicant on 06.12.2014. After marriage, complainant resided at her matrimonial house till 15.05.2021. She lodged a complaint on 20.07.2021 making allegations against her husband Nishant Sonkar, father-in-law Kailash Sonkar, mother-in-law Devhuti Sonkar, along with applicant (sister-in-law), that applicant along with all other family members continuously ill treating, harassing and demanding money from complainant. she was asked to bring money from her father and on number of occasions, amount has also been handed over to them. It was further stated that her husband was not doing any work and on account of which, he use to

pressurize the complainant to bring money time and again. She started working as teacher in VLM School, on salary of Rs.5,000/-. Present applicant, who is sister-in-law of complainant, is residing separately but visiting her parents and provoked her brother Nishant Sonkar (husband of complainant) for ill treating and harassing and also for asking complainant to bring money from her parents. It was further alleged that under pressure, complainant asked her father to purchase a house in name of her husband, which was purchased on 02.06.2017 by taking housing loan. She resided in her matrimonial house, waiting that behavior of her in-laws may improve against her but in vain. Based on written report, FIR has been registered against father-in-law, mother-in-law, sister-in-law and husband of complainant.

3. Applicant, apprehending her arrest, filed this anticipatory bail application after rejection of her application by the Court below.

4. Shri Awadh Tripathi, learned counsel for the applicant submits that applicant got married in the year 2009, much prior to marriage of complainant with Nishant Sonkar. She is having two children from her wedlock and she visits her parents' house occasionally. From reading the entire complaint as mentioned in FIR, allegation against present applicant is that complainant is presuming that applicant provokes her husband and in-laws for ill treating and harassing for demand of dowry. Allegation is only on the basis of apprehension, no direct allegation has been levelled on present applicant. Learned counsel further pointed out that when complainant went to her parents' house, husband and in-laws of complainant were called on 02.06.2021, where some dispute took

place between family members ie husband, father-in-law and mother-in-law and family members of complainant. Incident was reported by complainant on which FIR was registered bearing Crime No.126 of 2021, whereas, another FIR got registered by her husband bearing Crime No.128 of 2021, on the same day, which shows that complainant lodged report against present applicant along with others on 20.07.2021 as a counter blast to the incident which took place on 02.06.2021. He submits that in the facts and circumstances of the case, nature of allegations against applicant and also considering the fact that applicant is residing separately, she may be enlarged on anticipatory bail.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that there are serious allegations of ill-treatment, harassment and demand of dowry. He further submits that there are further allegations that in-laws of complainant regularly demanded money and also pressurized her for purchase of house. Hence, present applicant is not entitled for bail under Section 438 of CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against present applicant of provoking her parents and brother, further, two separate FIR were registered, one by the complainant and the other by her husband on 02.06.2021, after the incident which took place on 02.06.2021, FIR in case at hand was registered on 20.07.2021, without

commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, she shall be released on anticipatory bail by the Officer arresting her on her executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make him/her available for interrogation before the Investigating Officer as and when required;
- b) That the applicant 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE