

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1000 of 2021**

1. Kailash Sonkar S/o Late Shri Gendlal Sonkar, Aged About 63 Years,
2. Smt. Devhuti Sonkar W/o Shri Kailash Sonkar, Aged About 55 Years,
3. Nishant Sonkar S/o Shri Kailash Sonkar, Aged About 32 Years,

S.No.1 to 3 all are R/o Tillu Chowk, Old Basti, Raipur, District Raipur, Chhattisgarh.

**---- Applicants****Versus**

State of Chhattisgarh through Station House Officer, Police Station Mahila Thana, District Raipur, Chhattisgarh.

**---- Non-applicant**

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For Applicants : Shri Awadh Tripathi, Advocate

For Non-applicant/State : Shri Sudhir Sahu, P.L.

For Objector/complainant : Shri Vivek Sharma, Advocate  
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***(Proceedings through Video Conferencing)*****Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****25.08.2021**

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.55 of 2021, registered at Police Station Mahila Thana, Raipur (C.G.), for offence punishable under Sections 498-A, 377/34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, complainant got married with applicant No.3 on 06.12.2014. At the time of marriage, applicant No.3 made a demand of Car and Scooter. As father of

complainant was having good financial condition, he has given Honda City Car and one Scooter apart from other household articles and jewelery to her daughter. After marriage, complainant started living in her matrimonial home along with her father-in-law and mother-in-law where her married sister-in-law used to regularly visit the house. At the time of marriage, it was informed to family members of complainant that applicant No.3 is engaged doing the business of petrol pump and mining crusher, but said information was false as applicant No.3 was not doing any business. After marriage, applicant No.3 asked the complainant to bring money from her parents for honeymoon trip, upon which, she objected, but later on, she informed her parents and they have made arrangement of honeymoon trip of complainant and applicant No.3 to Mauritius. After returning from honeymoon trip, mother-in-law of complainant started harassing and ill-treating her, complainant was asked to do entire household work and she was asked to bring more money and make arrangement for her residential house. This was informed by her to her parents. Applicant No.3 used to quarrel with her on account of demand of dowry. Looking to the demand made by applicant No.3, her father has purchased a house at Raipur City in the name of complainant and applicant No.3. Even after that, complainant was being ill-treated and in-laws continued quarreling with her. As applicant No.3 was not doing any work, she was forced to join teacher-ship in a School, from which, she was earning Rs.5,000/- per month, but that amount was also taken by her mother-in-law. Father of complainant has purchased immovable properties in the name of

applicant No.3 on 13.08.2018 at village Mujvan, on 28.03.2019 at village Datrenga, on 12.11.2020 at village Sonpahri, on 22.10.2020 at village Kandul (agricultural land). It was also allegation that mother-in-law of complainant keep her engaged for whole day in household work and not permitting to continue her studies. Applicant No.3 was in the habit of drinking liquor and under intoxicating condition, she was being harassed and ill-treated. She was forced for making unnatural sex. Looking to continuous harassment, ill-treatment and quarreling by applicants, complainant asked her father to take back her from her matrimonial home, upon which, father of complainant has sent a Car along with driver on 15.05.2021, on which date, she left the matrimonial home. Thereafter, report was lodged on 05.06.2021 before concerned Police Station. Complaint was referred to counseling proceeding between the parties and after completion of counseling proceeding, on the basis of report, First Information Report was lodged against applicants and one Prachi Sonkar (sister-in-law of complainant) on 20.07.2021.

3. Shri Awadh Tripathi, learned counsel for the applicants would submit that marriage between complainant and applicant No.3 was love-cum-arrange marriage. After marriage, complainant started living in her matrimonial home. Complainant was having several complaints with regard to not keeping her properly. She was forcing the applicant No.3 to reside separately from her parents, complainant was pressurized to join the business of her father and under pressure, applicant No.3 has joined the business

activities of his father-in-law. While he was engaged in the activities of business of his father-in-law (father of complainant), father of complainant has purchased several properties in his name. The allegations of ill-treatment, harassment and treating the complainant with cruelty are absolutely false and baseless. He further submits that on 02.06.2021, when complainant went to her parents house, she called applicants in her father's house and when applicants reached there, during the course of discussions, some dispute took place between the parties, which resulted in man-handling, upon which, both the parties have lodged report to concerned Police Station on 02.06.2021. On the basis of report lodged by both the parties, case was registered against father and brother of complainant as well as applicants herein and offence punishable under Sections 294, 323, 34, 506 of Indian Penal Code was registered against both the parties in separate crime number. It is contented that till the incident of 02.06.2021, there was no allegation or complaint lodged by wife of applicant No.3 of any nature to anyone except as per allegation to her parents. It is further contented that after the incident of 02.06.2021, father and brother of complainant have threatened the applicants that they will be roped in false case, for which, applicant No.3 has lodged report to Senior Superintendent of Police, Raipur on 03.06.2021 vide Annexure A/10 and only thereafter, report was lodged by wife of applicant No.3 on 05.06.2021. It is further argued that filing of complaint making allegations of ill-treatment, harassment and treating cruelty with complainant with regard to demand of dowry is an afterthought and as a counter-blast of incident of

02.06.2021. Relationship between complainant and applicant No.3 was cordial, which is apparent from exchange of WhatsApp chat by husband and wife as appearing vide Annexure A/7 till 1<sup>st</sup> June 2021. He submits that applicant No.3 and complainant were blessed with a girl child, who is less than one year of age. He argued that complainant during the course of counseling has stated that she do not want to reside in the company of applicants, which is statement made by her in anger, whereas applicant No.3 made statement that he wants to keep his wife and continue marital relationship with her. He further argued that there is possibility of compromise between complainant and applicant No.3 and chance of continuing their marital relationship, hence, applicants may be enlarged on anticipatory bail.

4. Per contra, Shri Sudhir Sahu, P.L. representing the State opposing the submissions made by learned counsel for the applicants, would submit that allegations levelled against the applicants are serious in nature. He further submits that there are allegation of assault by applicant No.3 along with demand of dowry and also of pressurizing the complainant for making unnatural sex with him, hence, they are not entitled for grant of anticipatory bail.
5. Shri Vivek Sharma, learned counsel for objector/complainant vehemently opposes the submissions made by learned counsel for the applicants. He submits that from initial days of marriage, applicants have continuously ill-treated and harassed the complainant for demand of dowry and complainant was being treated with cruelty. Referring to some portion of contents of First

Information Report, he submits that allegation is of continuous demand, at the time of marriage, they have demanded the four-wheeler, thereafter, demand of money for honeymoon trip and purchase of house etc. He also submits that looking to continuous demand of property, father of complainant has purchased some immovable property in the name of applicant No.3. There was allegation with regard to man-handling by mother-in-law also pressuring the complainant by applicant No.3 for unnatural sex, hence, applicants are not entitled for grant of anticipatory bail.

6. At this stage, Shri Tripathi, learned counsel for the applicants submits that there is no dispute that father of complainant has purchased some immovable properties in the name of applicant No.3, but that was in the course of business, in which, father of complainant is engaged i.e. property dealing. The properties mentioned in First Information Report are only few, apart from it other properties are also purchased in the name of applicant No.3, but it was due to business requirement and not as a gift to applicant No.3.
7. I have heard learned counsel for the parties.
8. Taking into consideration entire facts and circumstances of the case, nature of allegations, particularly the fact that marriage was of 06.12.2014 prior to making complaint with regard to ill-treatment and harassment for demand of dowry, some dispute took place between applicants and complainant's family members, on 02.06.2021 both the parties lodged First Information Report to concerned Police Station and after dispute of 02.06.2021,

complaint was lodged making allegation under Section 498-A of Indian Penal Code as well as fact that applicant No.3 and complainant were blessed with one girl child, aged about less than one year, without commenting anything into the merits of the case, I am inclined to release the present applicants, namely, Kailash Sonkar, Smt. Devhuti Sonkar and Nishant Sonkar on anticipatory bail.

9. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicants, namely, Kailash Sonkar, Smt. Devhuti Sonkar and Nishant Sonkar 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**