

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 09-12-2020Order delivered on 06-01-2021MCRCANo. 1246 of 2020

1. Reshamlal Soni S/o Late Devprasad Soni Aged About 59 Years
2. Gaytri Soni W/o Reshamlal Soni Aged About 52 Years

Both are R/o Ward No.13, Tikripara , Shivrinarayan, Tehsil Nawagarh, District Janjgir Champa Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through Police Station / Out Post Shivrinarayan, District Janjgir Champa Chhattisgarh.

---- Respondent

MCRCANo. 1249 of 2020

1. Sandeep Soni S/o Reshamlal Soni Aged About 30 Years R/o Shivrinarayan, Tehsil Nawagarh District Janjgir Champa Chhattisgarh

At Present R/o C/o S.K. Patle , Baazar Chowk , Yadunandan Nagar, Tifra , District Bilaspur Chhattisgarh.

2. Nisha Soni W/o Jogesh Soni Aged About 34 Years R/o Village Champa , Tehsil Champa, District Janjgir Champa Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through Police Station / Out Post Shivrinarayan, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicants	Mr. G.S. Ahulwalia, Advocate
For Respondent /State	Mr. Ayaz Naved, Govt. Advocate
For Objector	Mr. A.K. Yadav, Advocate

Hon'ble Mr. Justice Prashant Kumar Mishra

CAV Order

1. Since both the bail applications are arising out of same crime number i.e. 182/2020 they are being considered and decided by this common order.
2. The applicants have preferred these first bail applications for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.182/2020, registered at Police Station (Out Post) Shivrinarayan, District Janjgir-Champa (CG), for offence punishable under Section 498-A of the Indian Penal Code.
3. Applicants namely; Reshamlal Soni & Gaytri Soni in MCRCA No.1246 of 2020 are the father-in-law & mother-in-law, respectively whereas the applicants namely; Sandeep Soni & Nisha Soni in MCRCA No.1249 of 2020 are the brother-in-law (देवर) & sister-in-law (ननद), respectively of the complainant Rashmi Soni.
4. The complainant was married with Sanju Soni on 4-2-2018. It is alleged that soon after the marriage the complainant was subjected to cruelty by saying that Sanju Soni being a Professor would have secured more dowry if he was married to some other girl. Sanju informed the complainant that he has an affair with one Ku. Neetu with whom he wants to live his life. When the complainant informed about her husband's

affair with Ku. Neetu, member of her in-laws family started accusing her instead asking her husband to live a peaceful marital life. The applicants demanded a new four wheeler car or Rs.5.00 lacs & gold ornaments. When the complainant refused to satisfy the demand the accused started committing mental & physical cruelty and eventually she was expelled from her marital house on 5-9-2019.

5. Mr. Ahulwalia, learned counsel appearing for the applicants, would argue that the applicants are relatives of the husband of the complainant, therefore, they have been falsely implicated only for the reason that the complainant and her husband were not pulling on well after the marriage and the complainant suspected that her husband is continuing his affair with Ku. Neetu. Learned counsel would refer to the document filed with the bail application (Annexure – A/4) to argue that the dispute between the couple started as early as in August-September, 2018. He would also argue that proceedings were drawn by the Family Reconciliation Center (परिवार परामर्श केंद्र) on 9-9-2018 vide Annexure – A/2 which shows that the main dispute was Sanju Soni's affair with Ku. Neetu. The mutual agreement between the couple vide Annexure – A/3 dated 13-3-2019 is also highlighted to argue that the allegation of dowry not finding place in the agreement, it is proved that such allegations are after thought. Learned counsel would next submit that applicant Reshamlal Soni is an elderly person, aged about 59 years, whereas Gaytri Soni, aged about 52 years & Nisha Soni are the ladies and the applicant Sandeep Soni is a Government servant employed in the Chhattisgarh High Court on the post of AG III.

6. Per contra, Shri Ayaz Naved, learned Govt. Advocate and Shri A.K. Yadav, learned counsel for the Objector would vehemently oppose the bail applications.
7. Having considered the rival submissions and upon perusal of the documents filed with the bail applications and case diary as well it appears the differences arose between the couple soon after the marriage mainly on account of husband's affair with one Ku. Neetu. In the proceedings drawn by the Family Reconciliation Center (परिवार परामर्श केंद्र) at the initial stage there is no material accusing that the applicants have demanded dowry or ill treated the complainant in any other manner.
8. Thus, considering the nature of allegations against the present applicants, their age and two of them being ladies while the applicant Sandeep Soni being Government servant, this Court is inclined to release the applicants on anticipatory bail.
9. Accordingly, both the applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - they shall make themselves available for interrogation by a police officer as and when required;
 - 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 him from disclosing such facts to the Court or to any police officer.

- they shall not influence the witnesses during pendency of the trial.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri