

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 975 of 2021**

1. Kasim Hussain S/o Shri Abdul Rauf Aged About 42 Years Permanent R/o Village Barhor, P.S. Babhanih, District Sonbhadra, Uttar Pradesh. Presently Residing At M.I. Colony, House No. B-127, Singrouli, District Singrouli, Madhya Pradesh.
2. Abdul Rauf S/o Late Shri Serajan Shekh Aged About 65 Years R/o Village Barhor, P.S. Babhanih, District Sonbhadra, Uttar Pradesh.

---- Applicants**Versus**

State of Chhattisgarh Through S.H.O. Pratappur, P.S. Pratappur, District Surajpur, Chhattisgarh.

---- Non-applicant

For Applicants : Smt. Meena Shastri, Advocate

For Non-applicant/State : Shri Sudhir Sahu, Panel Lawyer

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****26.08.2021**

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.138 of 2021, registered at Police Station Pratappur, District Surajpur (C.G.), for offence punishable under Section 498-A of Indian Penal Code, Sections 4, 5 of Chhattisgarh Tonahi Pratadna (Niwaran) Adhiniyam, 2005 and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.
2. Case of the prosecution, in brief, is that complainant got married with Ashfak Hussain, who is brother of applicant No.1 and son of applicant No.2 on 12.06.2011. After marriage, complainant started

residing in her matrimonial home. After some time, in-laws started ill-treating and harassing her on the ground that she has not brought appropriate dowry from her parents. She was also abused on the ground that she is playing witchcraft. Complainant was ousted from her matrimonial home on 01.04.2018, thereafter, her husband pronounced 'Talak Thrice' on 28.03.2021. Complaint was lodged against present applicants and her husband Ashfak Hussain by the complainant.

3. Smt. Meena Shastri, learned counsel for the applicants would submit that absolutely false and baseless allegations have been levelled against the present applicants. She further submits that complainant was residing with her husband separately; even applicant No.1 and applicant No.2 are residing separately. In support of her contention, she referred documents Annexure A/2 and A/3 stating to be issued by Sarpanch of Village Panchayat, Shistola, Janpad Panchayat, Sonbhadra, Uttar Pradesh. She also referred Annexure A/4, which is a copy of ration card in the name of wife of applicant No.2 and submits that from the ration card itself, it is clear that applicant No.2 is residing along with his wife and two daughters. There is no specific allegation of demand of dowry and stating her to be playing witchcraft against the present applicants, hence, applicants may be enlarged on anticipatory bail.
4. Per contra, Shri Sudhir Sahu, learned State Counsel opposes the submissions made by learned counsel for applicants, he read over the contents of First Information Report as well as contents of

statement recorded under Section 161 of Cr.P.C. and submits that there is allegation of demand of dowry after marriage, ill-treatment and harassment as well as abusing stating that complainant is playing witchcraft. He further submits that in the written complaint, there is no specific allegation against the applicants with regard to any demand of dowry or allegation of any other nature, but it has come in the statement recorded under Section 161 of Cr.P.C. of complainant that applicants were insisting upon husband of complainant, hence, applicants are not entitled for grant of anticipatory bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations levelled by complainant against the present applicants in written complaint, submission made by learned counsel for the applicants that applicants are residing separately, complainant left the house of her husband on 01.04.2018, applicants are brother-in-law and father-in-law of complainant, without commenting anything into the merits of the case, I am inclined to release the present applicants on anticipatory bail.
7. Accordingly, bail application is 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