

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1008 of 2021**

1. Santuram Nishad, S/o Shri Rambharosa Nishad Aged About 58 Years
2. Smt. Mehatri Bai Nishad W/o Shri Santuram Nishad Aged About 56 Years
R/o Ward No. 12, Village Mungaser (Jhalap), Thana Patewa , Civil And Revenue District Mahasamund Chhattisgarh. **---- Applicants**

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Mahasamund , District Mahasamund Chhattisgarh **---- Respondent**

For Applicant : Shri Sunil Sahu, Advocate
 For Respondent/State : Shri BL Sahu, PL

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

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicants as they apprehend their arrest in connection with Crime No. 558 of 2020 registered at Police Station Mahasamund, District Mahasamund, Chhattisgarh for commission of offenses punishable under Sections 294, 323, 506, 498A, and 34 of IPC.
2. Case of the prosecution, in brief, is that, complainant married Neeraj Nishad son of applicants , in Arya Samaj on 15.10.2018. After marriage, she started living with him in Balaji Poultry Farm, where Neeraj Nishad was working as labourer. On 12.10.2020, some dispute took place between them and he started abusing, assaulted her and she was ousted from Poultry Farm. Thereafter, she lodged a complaint in concerned Police Station, based upon which FIR was registered against applicants.
3. Applicants, apprehending their arrest, filed this anticipatory bail application after rejection of their application by the Court below.

4. Shri Sunil Sahu, learned counsel for the applicant would submit that applicants are parents-in-law of complainant. After alleged incident on 12.10.2020, complaint was lodged on 13.10.2020 before concerned Police Station. In the FIR she has categorically mentioned that she married Neeraj Nishad on 15.10.2018, after her marriage, she started living with her husband at Balaji Poultry Farm. He further submits that at any point of time, complainant has not resided in the house of applicants and therefore, there is no question of any ill-treatment, harassment or treating complainant with cruelty. There are no allegations against applicants in FIR of ill treatment on account of demand of dowry and not permitting complainant and her husband to stay with them. Applicants are aged about 56-58 years, hence, they may be enlarged on anticipatory bail under Section 438 of CrPC.

5. On the other hand, Shri BL Sahu, learned counsel for the State opposing the submissions of learned counsel for the applicants, submits that though there are no allegations against applicants in FIR, but, in supplementary statement recorded under Section 161 CrPC, complainant has made allegations with regard to demand of dowry and harassment and further that applicants have not permitted complainant and her husband to reside in their house.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against applicants, contents of FIR and further, fact that complainant was residing separately with her husband in Bajaj Poultry Farm, without

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

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

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

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma