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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.1033 of 2021**

- Virendra Kumar Bhansali, S/o Anil Kumar Bhansali, aged about 36 years, R/o House No.283, Sadak No.4, Shanti Nagar, Supela, Bhilai, Police Station Vaishali Nagar, Distt. Durg (CG)

Applicant**Versus**

- State of Chhattisgarh, through Police Station Basantpur, District Rajnandgaon(CG)

---- Non-applicant**MCRCA No.1034 of 2021**

- Smt. Pushpa Devi Bhansali, W/o Anil Kumar Bhansali, aged about 60 years, R/o House No.283, Sadak No.4, Shanti Nagar, Supela, Bhilai, Police Station Vaishali Nagar, Distt. Durg (CG)

Applicant**Versus**

- State of Chhattisgarh, through Police Station Basantpur, District Rajnandgaon(CG)

---- Non-applicant**&****MCRCA No.1035 of 2021**

- Anil Kumar Bhansali, S/o Pukhraj Chand Bhansali, aged about 64 years, R/o House No.283, Sadak No.4, Shanti Nagar, Supela, Bhilai, Police Station Vaishali Nagar, Distt. Durg (CG)

Applicant**Versus**

- State of Chhattisgarh, through Police Station Basantpur, District Rajnandgaon(CG)

---- Non-applicant

For Applicants	:	Mr. Shrawan Agrawal, Advocate
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer
For Objector	:	Mr. Parag Kotecha, Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****8/9/2021**

1. As above three anticipatory bail applications arise out of same crime number, they are being heard together and disposed of by this common order.
2. Applicants, who are husband, father-in-law & mother-in-law of complainant respectively, have preferred above applications under Section 438 of CrPC for grant of anticipatory bail to them as they apprehend their arrest in connection with Crime

No.303/2021 registered at Police Station - Basantpur, District Rajnandgaon (CG) for commission of offence punishable under Sections 498A, 34 of the Indian Penal Code.

3. Case of the prosecution, in brief, is that on 28.1.2012 complainant got married with applicant Virendra Kumar Bhansali in M.Cr.C. (A) No.1033/2021. From initial days of marriage, complainant was ill-treated and harassed for demand of dowry. As family of complainant's husband suffered loss in business, they pressurized complainant to bring money from her parents. She was also assaulted in her matrimonial home. Allegation of ill-treatment, harassment and assaults have been levelled against all applicants. Complainant was forced to leave her matrimonial home on 26.10.2020. Thereafter written complaint was lodged in Mahila Thana, Bhilai upon which counselling proceedings between the parties were drawn and when it became unsuccessful, FIR is registered on 21.7.2021.
4. Mr. Shrawan Agrawal, learned counsel for applicants in all three applications would submit that allegations levelled against applicants are false and frivolous. Complainant and her husband are blessed with two daughters, who are aged about 8 years & 4 years at present. Complainant out of her own left company of applicant-husband on 26.10.2020. When complainant could not be able to adjust herself in joint family of applicants, applicant Virendra along with complainant and his daughters started residing separately in another floor of same house. Due to business requirement, some amount was taken by applicant-husband from father of complainant and this fact was accepted by him before the authorities also, but applicant-husband or his family members have never harassed or ill-treated the complainant for demand of dowry. In counselling proceedings applicant-husband has shown his willingness to continue marital relationship with complainant and to keep complainant and daughters along with him in Raipur, but till date complainant has not joined company of applicant husband. He further submits that there are chances of

reconciliation between the parties and in view of fact that applicant-husband and complainant are having two minor daughters, applicants may be enlarged on anticipatory bail.

5. Per contra, Mr. Vaibhav Singh, learned Panel Lawyer for the State and Mr. Parag Kotecha, Advocate for complainant oppose the submissions made by learned counsel for applicants. Learned State Counsel submits that after leaving her matrimonial home on 26.10.2020, complainant immediately lodged complaint before Mahila Police Station, Bhilai. Whenever applicant-husband made phone call to talk her daughters, the complainant never objected to, but when applicant-husband indulged himself in unwanted communication with her daughters, she wrote letter to the National Commission for Women, New Delhi on 23.11.2020 mentioning therein about the manner in which applicant-husband used to talk with her daughters. Learned State Counsel submits that applicant-husband has admitted before the authorities concerned that he has taken Rs.1 Lakh from father of complainant for his business purpose and as brother of applicant-husband suffered loss of Rs.20-25 Lakhs in business, therefore, complainant was pressurized by applicant and his family members for bringing money from her parents.

Mr. Parag Kotecha, learned counsel for complainant would submit that though applicant-husband has shown her intention to reside together with complainant but he has not taken any step to take back the complainant with him to her matrimonial home.

Upon putting specific query to learned State Counsel with regard to counselling proceedings initiated before Mahila Thana, Bhilai, he submits that proceedings are available in case diary. On being asked, learned State Counsel pointed out that on second date of counselling proceeding, complainant and her husband both have shown their desire to reside together, but somehow it could not be materialized.

6. I have heard learned counsel for the parties.
7. Taking into consideration nature of allegations, entirety of facts and circumstances of case, counselling proceedings drawn before Mahila Thana and fact that complainant and her husband are blessed with two daughters, who are presently aged about 8 years & 4 years respectively and residing with complainant, both of them shown their desire to reside jointly in counselling proceedings, without commenting anything on merits, I am inclined to grant anticipatory bail to applicants.
8. Accordingly, these three anticipatory bail applications are allowed and it is directed that in the event of arrest of **applicant Virendra Kumar Bhansali in M.Cr.C. (A) No.1033/2021; applicant Smt. Pushpa Devi Bhansali in M.Cr.C. (A) No.1034/2021 and applicant Anil Kumar Bhansali in M.Cr.C. (A) No.1035/2021** in connection with the 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/- each with one surety in the like sum to the satisfaction of the Arresting Officer. Applicants shall also abide by following conditions:
 - (i) that they shall make themselves available for interrogation before Investigating Officer as and when required;
 - (ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him/her from disclosing such facts to Court or to any police officer;
 - (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) they shall appear before the trial Court on each & every date given to him by said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-