

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 936 of 2020

Kunti Tandan W/o Shri Kanhaiya @ Kanhai Tandan Aged About 50 Years R/o Village Ragra Indori Police Station Pipariya District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Pipariya, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

MCRCA No. 1504 of 2020

Dujram Tandan S/o Shri Kanhaiya @ Kanhai Tandan Aged About 27 Years R/o B- 18 Civil Line Ward No. 48 Durg PS And Tahsil Durg Distt. Durg, Chhattisgarh, At Present R/o Village Ragra Indori PS Pipariya District Kabirdham, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Pipariya, Distt. Kabirdham, Chhattisgarh

---- Respondent

For Applicants	:	Shri Dheerendra Pandey, Advocate
For State	:	Smt. Hamida Siddiqui, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

07/01/2021

Heard.

1. By this common order, MCRCA No.936 of 2020 and MCRCA No.1504 of 2020 are being disposed off as both the applications arise out of same

crime number.

2. The applicants are apprehending their arrest in connection with Crime No. 179/2020, registered at Police Station- Pipariya, District- Kabirdham (CG) for alleged commission of offence under Sections 323, 498-A, 506/34 IPC.
3. Case of the prosecution, in brief, is that the wife of applicant- Dujram Tandan lodged report in the police station regarding harassment, torture, maltreatment and assault with specific allegation of assault on 18.6.2020 and 24.6.2020. It was alleged by the prosecutrix that on 18.6.2020, she was assaulted while she was carrying pregnancy, but, thereafter a compromise had arrived at and she came back on 20.6.2020. But, thereafter, again on 24.6.2020, husband locked her inside the room, she was badly assaulted and attempt was made to burn her by pouring kerosene oil. She somehow managed to escape and report was lodged in the police station.
4. Learned counsel appearing for the applicants would argue that though there appears to be some dispute between the parties, allegations are exaggerated in nature. Husband and wife had some trivial dispute, which is often resolved. He submits that even the prosecutrix has submitted a 'no objection' before this Court for grant of bail to the applicants, which shows that the husband and wife have now resolved the dispute. As far as applicant -Kunti Tandan, it is alleged that she has been falsely implicated. The allegation of assault on 24.6.2020 are only of husband and not mother-in-law. Therefore, the applicants may be protected by giving them benefit of anticipatory bail.
5. On the other hand, learned counsel for the State opposed the bail application by submitting that there is specific allegation of assault and pouring kerosene. She was taken to hospital, her MLC was done. Injury was found and kerosene has also been found on her body.
6. Taking into consideration the submissions made by learned counsel for the parties and material available, as far as applicant- Kunti Tandan is concerned, considering that the allegation of assault is being confined to the husband as far as incident of 24.6.2020 is concerned, application of

applicant- **Kunti Tandan** is allowed and it is directed that in the event of arrest, applicant- **Kunti Tandan** shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer, with following further conditions that:-

- (i) the applicant shall make herself available for interrogation by the police officer as and when required;
- (ii) the applicant 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.

7. As far as applicant- Dujram Tandan is concerned, looking to the medical report, present is not a fit case for grant of anticipatory bail to him. Accordingly, application of applicant- Dujram Tandan is rejected. However, considering that wife is even prepared to condone this act on the part of the husband, in case, applicant- Dujram Tandan surrenders and applies before the Court below for grant of regular bail, the same shall be considered and decided by the Court below at the earliest and in any case within 3 days.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge