

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1052 of 2021

Mo.Mohsin S/o Mo. Mojahid. Aged About 28 Years. Occupation - Business, Resident - Ward No-40, Nawagarh Chauk Ambikapur, Police Station and Tashil - Ambikapur, District – Surguja, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through Mahila Police Station Ambikapur, District – Surguja, Chhattisgarh.

--- Respondent

For Applicants	: Mr. Akath Kumar Yadav, Advocate.
For State	: Mr. Vaibhav Singh, PL.
For Complainant	: Mr. C.J.K. Rao, Advocate along-with complainant Smt. Nighat Parveen.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

09/09/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.31/2021 registered at Police Station –Mahila Thana, Ambikapur, Distt -Surguja, (CG), for the offence punishable under Sections 498(A), 323 read with Section 34 of the Indian Penal Code and Section 4 of Muslim Women (Protection of Right on Marriage) Act, 2019.
2. Case of the prosecution, in brief, is that complainant got married with applicant on 01.08.2020. Immediately, after marriage complainant was harassed, ill-treated and assaulted by applicant and her -in-laws. When she conceived pregnancy, applicant and in-laws have forcefully administered medicines due to which she suffered miscarriage. Thereafter, she took treatment at Hospital. Applicant has pronounced Talak thrice, thereafter, she was left near her parents house on 23.03.2021 by father-in-law, mother-in-law and sister-in-law. There is also allegation that sister-in-law and father-in-law of complainant were

threatening her that she will be divorced and applicant will perform second marriage. Based upon complaint, crime is registered against applicant and his family members.

3. Learned counsel for the applicant submits that false and frivolous allegations have been leveled against applicant and his family members. At no point of time, either applicant or his family members have made any demand of dowry. Complainant was never ill treated, harassed or assaulted. Other co-accused persons have been granted anticipatory bail by this Court vide order dated 09.08.2021 in MCRC(A)/749/21. Hence, applicant may also be enlarged on anticipatory bail. He further submits that allegation of threatening of shooting by gun/pistol is against father-in-law. As per allegation it is other co-accused persons, who have left complainant near her parents house and not the applicant.
4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that serious allegations have been levelled against applicant and his family members. There are allegations against applicant that he assaulted complainant for demand of dowry. There is also allegation that complainant was harassed, threatened, ill-treated and assaulted for bringing her share in immovable property from her mother. She also submits that under Section 7 of the Act of 2019, it is provided that before enlarging the accused under the Act of 2019 on bail, it is necessary to hear married woman.
5. Learned counsel for the Objector/Complainant submits that from the time of marriage there was demand of dowry. On the date of marriage itself, articles/gifts and cash was given to applicant which is evident from document placed on record as Annexure O-2 wherein it is specifically mentioned that apart from other articles cash of Rs.4 lacs was also given.

List of articles and cash was signed by applicant himself. Complainant was treated with cruelty, she was assaulted by applicant also for bringing her share in immovable property from her mother. Hence, applicant is not entitled for grant of anticipatory bail.

6. Complainant-wife, is present in person, who submits that looking to the act of cruelty on the part of applicant, he may not be granted anticipatory bail.
7. Heard learned counsel for the parties.
8. Considering the entire facts and circumstances of the case, nature of allegation levelled in complaint against applicant by his wife-complainant, I do not find it to be a fit case to enlarge applicant on anticipatory bail.
9. Accordingly, anticipatory bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-