

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1141 of 2021**

1. Smt. Sarswati Deshmukh W/o Narendra Kumar Deshmukh Aged About 56 Years
 2. Narendra Deshmukh S/o Late Daulatram Deshmukh, Aged About 64 Years
- Both R/o Village Dokla, Police Station Khadgaon, Tehsil Manpur And District Rajnandgaon (At Present District Manpur Mohla Chowki) Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station In Charge, Police Station Suregaon, District Balod, Chhattisgarh

---- Respondent

For Applicants	: Shri Anmol Sharma, Advocate
For Respondent/State	: Shri Sudhir Sahu, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board**20.09.2021**

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. 45 of 2021 registered at Police Station-Suregaon, District- Balod, Chhattisgarh for commission of offenses punishable under Sections 498A, 377 and 34 of IPC.
2. Case of the prosecution, in brief, is that, complainant got married with Devendra Kumar Deshmukh on 10.02.2019. Written complaint was filed on 20.08.2021 making allegations that after marriage, complainant was ill-treated and harassed making statement that she behaves like insane person. Complainant along with her husband left for Chennai on 16.02.2019. Applicants along with her husband Devendra Kumar Deshmukh ill-treated and harassed her since 10.02.2019 up to 20.09.2020. Based on her written complaint against applicants, crime was registered for aforementioned offences.
3. Applicants, apprehending their arrest, filed this anticipatory bail application after rejection of their application by the Court below.

4. Shri Anmol Sharma, learned counsel for the applicants would submit that Devendra Kumar Deshmukh, son of applicants is in Government employment prior to his marriage. He is working as Examiner of Patents and Designs under Government of India, with Ministry of Commerce and Industries. After marriage, complainant went along with her husband to Chennai ie his place of posting. Both of them resided at Chennai, where some dispute took place between them. To resolve the dispute, a meeting was organized between both families on 18.03.2020, in which complainant agreed to reside in company of her husband and went along with her husband and resided with him till September, 2020. Thereafter, she left him and went to her parents' house, after about 11 months, she lodged a written report making false allegations against all family members. He further submits that allegations if any, are against Devendra Kumar Deshmukh, husband of complainant. Applicants are old aged persons residing separately, hence they may be enlarged on anticipatory bail.

5. On the other hand, Shri Sudhir Sahu, learned counsel for the State opposing the submissions of learned counsel for the applicants, submits that there are serious allegations of ill-treatment and harassment against applicants. However, upon putting specific query with regard to involvement of applicants and role played, he read over the statement of complainant recorded under Section 161 of CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration submissions of learned counsel for the parties, nature of allegations alleged on applicants of ill-treatment and harassment along with allegation under Section 377 of IPC against Devendra Kumar Deshmukh, period of marriage, further that husband of complainant is in

employment with Central Government at Chennai since 2019 and applicants are residents of Village Dokla, Tahsil Manpur, District-Rajnandgaon, and they are old aged in-laws of complainant, 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