

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**M.Cr.C (A). No. 1187 of 2021**

1. Sunil Kaushal S/o Late Pankuram, Aged About 34 Years, R/o Sector 11, Ward No.13, Khursipar Bhilai, District Durg Chhattisgarh.
2. Chandresh Kumar S/o Late Pankuram, Aged About 40 Years, R/o Sector 11, Ward No. 13, Khursipar Bhilai, District Durg, Chhattisgarh.

**---- Applicants**

**Versus**

State of Chhattisgarh Through Police Station -Balod, District Balod Chhattisgarh.

**---- Respondent**

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| For Applicants | : Mr. Love Kumar Ramteke, Advocate. |
| For State      | : Mr. B.L. Sahu, PL.                |

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**Hon'ble Shri Parth Prateem Sahu, J**  
**Order on Board**

**27/09/2021**

1. Applicant have filed this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.216/2021 registered at Police Station –Balod, District Balod, (CG), for the offence punishable under Sections 498A, 377, 506/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 25.04.18 complainant got married with one Dinesh Kumar Kaushal. Prior to marriage false information with regard to education qualification and employment of Dinesh Kumar Kaushal was provided to her parents. After few days of marriage, her husband and his family members started saying that she has not brought fridge, washing machine, cash and the gifts article given in dowry is of inferior quantity. Mother-in-law of complainant started abusing, ill-treating and harassing her on the ground that she is sterile. Complainant is practicing Witchcraft due to which, she was not keeping well. When once complainant was alone in Kitchen applicant No.2 came there and tried to outrage her modesty which was complaint by her to

husband and mother-in-law but they have not taken any cognizance. Due to harassment and cruel treatment by her in-laws, complainant returned back to her parents house. Thereafter, father of complainant took her to her matrimonial house where her husband started quarreling and assaulted her and also her father. She was dragged out from her matrimonial house by her husband along-with baggages. After the said incident, father of complainant left her in her matrimonial house and returned back. One day when she was sleeping in room in night, her husband tried to kill her by putting pillow over her face. On 17.07.2021, complainant lodged written report, based upon which aforementioned crime is registered against applicants and other co-accused persons including husband.

3. Learned counsel for the applicants submits that absolutely false and frivolous allegations have been levelled against applicants. At no point of time, applicants have made any demand of dowry, ill-treated or harassed the complainant. Allegation against applicant No.2 for outraging the modesty of complainant is also false, incident was not reported to any other persons but allegation has been levelled first time in complaint. Dinesh Kumar Kaushal, husband of complainant was arrested and other co-accused persons have been enlarged on bail by the Court below. Applicants are brother-in-laws of complainant. Hence, they may be enlarged on anticipatory bail.
4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that serious allegation has been levelled against applicants and other co-accused persons by complainant. There is allegation of ill-treatment, harassment, assault to

complainant and her father. In statement of father of complainant, it has come that complainant has intimated him that applicant No.2 has tried to outrage her modesty. It is also pointed out that after lodging of complaint it was forwarded to Counselling Centre where in-laws of complainant appeared but complainant did not appear. On putting a specific query to learned State Counsel with regard to date or period in which applicant No.2 has made an attempt of outraging her modesty, he submits that there is no specific allegation in this regard. Allegation of assault at the time when father of complaint went along with complainant to send her matrimonial house is against Dinesh Kumar Kaushal, husband of complainant only.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, period of marriage, submissions of learned State Counsel that after lodging of complaint it was forwarded to Counselling Centre, proceedings of counseling, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicants.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the crime in question, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Arresting Officer. The applicants shall also abide by the following conditions :
  - (i) that applicants shall make themselves available for interrogation before the investigating officer as and when required;
  - (ii) that 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 him/her from disclosing such facts to the Court or to any police officer;

(iii) that applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

**Sd/-**  
**(Parth Prateem Sahu)**  
Judge

Jamal/-