

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1179 of 2021**

- Smt. Bharati Seta W/o Jagdish Seta, aged about 61 Years R/o Block A-51, Aalap Green City, Rahiya Road, Rajkot, Gujarat, District : Rajkot, Gujarat.
- Jagdish Seta, S/o Late Devram Bhai Seta, aged about 63 Years R/o Block A-51, Aalap Green City, Rahiya Road, Rajkot, Gujarat, District : Rajkot, Gujarat.

-----Applicants**VERSUS**

- State of Chhattisgarh through: the Police Station City Kotwali, (Police Station Basantpur wrongly mentioned in order sheet), District Rajnandgaon, Chhattisgarh

-----Non-applicant

For Applicants : Mr. Ankur Agrawal, Advocate.
For Non-applicant- State : Mr. Vaibhav Singh, Panel Lawyer.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****30/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 82/2021 registered at Police Station -City Kotwali District Rajnandgaon (C.G.) for the offence punishable under Sections 498-A, 34 of IPC.
2. Case of the prosecution in brief, is that, on 16.01.2017, complainant got married with Suraj Seta son of present applicants. After their marriage she went to ancestral home of husband at Bhedabhad, Orissa. Thereafter, complainant and her husband went to Rajkot, Gujarat where husband of complainant was working. After sometime of marriage, mother-in-law of complainant shifted to Rajkot and started staying there. Father-in-law also shifted to Rajkot from Orissa in the year 2020. Applicants started harassing and ill-treating complainant, during pregnancy of complainant also they have forced her to do all the household works which resulted in miscarriage of pregnancy. Applicants along with her son Suraj Seta started

demanding of Rs. 15 Lakhs. In the month of December 2019, husband sent the complainant to Rajnandgaon alone for bringing money. Similarly in June 2020 when complainant was returning along with her husband Suraj Seta from Ahmedabad to Orisa, on the way, husband Suraj Seta dropped her at Rajnandgaon stating that unless and until she brings Rs. 15 Lakh from her parents, she will not be permitted to live along with him. This made the complainant to lodge report in the concerned police station.

3. Mr. Ankur Agrawal, learned counsel for the applicants would submit that the applicants are old aged persons and in-laws of complainant. Looking to the age and inability to reside separately they shifted at Rajkot with their son at Rajkot. He submits that this made the complainant aggrieved, hence, false allegations have been levelled against applicants and her husband. He further submits that at no point of time applicants have treated the complainant with cruelty and made demand of money. He submits that in FIR as per complaint of demand of money is against Suraj Seta (husband of applicant) who was arrested on 19.08.2021 and thereafter enlarged on regular bail by the Court below, hence, applicants may also be enlarged on anticipatory bail.
4. On the other hand, Mr. Vaibhav Singh, learned State counsel opposes the submissions made by learned counsel for the applicants and submits that specific allegations of ill-treatment and harassment against applicants have been made in the report. He submits that due to ill-treatment, harassment and forcing her to do all the household works even during her pregnancy period, she suffered miscarriage. After lodging report, it was forwarded to the counselling authority but the applicants or their son did not participate in the counselling proceedings. He submits that in view of nature of allegation, applicants are not entitled for benefit under Section 438 of CrPC.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegations, period of marriage, age of applicants who are mother-in-law and father-in-law of complainant and further that the husband of complainant Suraj Seta was arrested on 19.08.2021 and enlarged on regular bail by the Court below, without commenting anything on merits of the case, I am

inclined to allow the bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question (82/2021), 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 concerned arresting Officer. Applicants shall also abide by the following conditions:

- (i) that the applicants shall make themselves available for interrogation before the Investigation Officer as and when required;
- (ii) 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 him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) 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.

Sd/-

(Parth Prateem Sahu)
Judge