

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1627 of 2020**

1. Rajendra Giri Goswami S/o Late Yashwant Giri Goswami Aged About 56 Years Presently Posted As Stenographer In The Office Of Integrated Tribal Development Department, Behar District Balaghat
2. Smt. Yashoda W/o Shri Rajendra Giri Goshwami Aged About 56 Years Presently Posted As Teacher Higher Education, Government Girls Higher Secondary School, Behar District Balaghat M. P.
3. Mayank Giri Goswami S/o Shri Rajendra Giri Goswami Aged About 23 Years

All residents of Ward No. 08 Behar, P. S. And Tehsil Behar,
District Balaghat M. P

---- Petitioner**Versus**

- State Of Chhattisgarh Through District Magistrate, Kabirdham Chhattisgarh

---- Respondent

For Applicants
For Respondent /State
For Objector

Mr. Ashutosh Trivedi, Advocate
Mr. Rajendra Tripathi, Panel Lawyer
Mr. Anukul Biswas, Advocate

SB: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****13/1/2021**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the

applicants, who are apprehending their arrest in connection with Crime No.197/2020 registered at Police Station P.S. Padatarai, District Kabirdham, Chhattisgarh for the offence punishable under Sections 294, 323/34, 344, 498(A) and 506 of the IPC.

3. The applicants are the father-in-law, mother-in-law and brother-in-law (*Devar*) of complainant Shivani, wife of Kunal Giri Goswami. As per the report lodged on 5.9.2020, the complainant was married to Kunal on 12.12.2018. After about 15 days of marriage, the accused persons started treating her with cruelty on demand of dowry. Initially, the demand was for repayment of loan in the name of her husband, however, despite payment of Rs.1 lakh, the demand increased to bring more and more amount from her parents. It was further alleged that she was subjected to physical cruelty and filthy abuses by all the accused persons. The physical cruelty has been found proved in the medical examination of the complainant conducted on 6.9.2020. There are bank statements showing transfer of Rs.3 lakhs in installments in the account of husband Kunal from 3.12.2019 to 28.7.2020. On 30.8.2020, when she reached her marital house with her father, all the accused person obstructed her way into the house but once she was allowed to get in, she was subjected to physical cruelty and was detained in one room of the house. She somehow called her father on 3.9.2020, who informed and moved an application before the Police and somehow brought back his daughter on

4.9.2020 and thereafter, the complaint was lodged on the next day i.e. on 5.9.2020.

4. Although the applicants are parents and brother of the husband of the complainant but there are allegations against all the applicants of committing physical cruelty and hurling filthy abuses, therefore, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to them.
5. Accordingly, the application is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Gowri