

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No.1290 of 2021**

1. Smt. Shukwara Bai, aged about 73 years, W/o Keshav Sahu,
2. Keshav Sahu, aged about 71 years,

Both are R/o Misda, P.S. Navagarh, District Janjgir-Champa (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, P.S. Navagarh,
District Janjgir-Champa (C.G.)

----Non-applicant

For Applicant	:	Mr. T.K. Jha, Advocate.
For Non-applicant	:	Mr. Sudhir Sahu, Panel Lawyer.
For Objector	:	Mr. Vivek Kumar Shrivastava, Advocate.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****18.11.2021**

(1) The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.378/2021 registered at police station Navagarh, District Janjgir-Champa (C.G.) for the offences punishable under Sections 294, 323, 506/34 of the Indian Penal Code and Sections 4 & 5 of Chhattisgarh Tonhi Pratadna Nivaran Act, 2005.

(2) Case of the prosecution, in brief, is that on 26.9.2021 complainant made a written compliant stating that she was married to Mahendra Kumar, who is son of applicants *and* working as Constable in R.P.F., Bilaspur. It is alleged that on 24.06.2016, her husband Mahendra Kumar abused her in filthy language and called her *Tonhi* and also threatened to kill her at the point of knife and when she objected such misbehaviour of Mahendra Kumar, his parents (present applicants) stated that they will not keep her in their home, as she has delivered a girl child and they also

called her *Tonhi* and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicants would submit that applicants, who are 73 years & 71 years old persons, have been falsely implicated in the crime in question as they have not committed the crime in question. He would also submit applicants have never called the complainant as Tonhi and they never inflicted any injury to the complainant. In the said case, the applicants are apprehending their arrest for the aforesaid offences, therefore, the applicants may be extended the benefit of Section 438 of the Code of Criminal Procedure.

(4) Per contra, counsel for the State assisted by counsel for the Objector while vehemently opposing the submissions made by counsel for the applicant would submit that the applicants and other co-accused persons have not only committed marpeet with the complainant but also called her tonhi and they asked to oust from their home, as she delivered a girl child, therefore, the applicant is not entitled for anticipatory bail.

(5) I have heard learned counsel appearing for the parties and perused the case diary as well as material available on record.

(6) Considering the facts & circumstanced of the case, nature & gravity of the offence, particularly the manner in which the applicants not only committed marpeet with the complainant but also called her *Tonhi* and asked to oust from their home, as she delivered a girl child, I am of the view that it is not a fit case for grant of anticipatory bail to the applicants. Thus, the anticipatory bail application is rejected.

Sd/-
(N.K. Chandravanshi)
Judge

D/-

