

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 1717 of 2020

1. Smt. Ahilya Bai, W/o Amarnath Singh, Aged About 53 Years
2. Shri Amarnath Singh S/o Lt. Nathuram Janghel, Aged About 54 Years
3. Shri Devendra Kumar Singh, S/o Shri Amarnath Singh, Aged About 35 Years

R/o – Applicants No.1 & 2 - House No.- 5, Padma Road, Vidyasagar Palli, Parsuhdih, Jamsedpur, Thana Parsuhdih, District - East Singhbhum, Jharkhand

R/o – Applicant No.3 - House No- 44, Railway Colony, Dalli - Rajhara, Thana - Dalli - Rajhara, District - Balod Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through - Mahila Thana, Bilaspur District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants
For Respondent /State

Mr. T.K. Jha, Advocate
Mr. Ravish Verma, Govt. Advocate

Hon'ble Mr. Justice Prashant Kumar MishraOrder on Board4/3/2021

1. The applicants have preferred this application for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.26/2020, registered at Police Station Mahila Thana, Bilaspur (CG), for offence punishable under Section 498-A of the Indian Penal Code.
2. Complainant – Hemlata Janghel was married to the applicant No.3 on 9-5-2016. It is alleged that the complainant was subjected to physical and mental cruelty for demand of dowry and for her inability to beget male child. Her first pregnancy was aborted and later on she was subjected to

physical cruelty. When she was pregnant for the second time she refused to undergo sex determination test. She was filthily abused by all the applicants. In her third pregnancy she gave birth to a male child and this was informed to the applicants but her number was blocked and the applicant No.3 did not even visit her after pregnancy. She was constantly pressurized to bring gold chain, ring and other ornaments.

3. It is argued that the complainant was pressurizing the applicant No.3 to live separate from his parents for which he did not agree, therefore, the instant false report has been lodged. It is also argued that the applicants No.1 & 2 live in Jharkhand, therefore, they have no role to play in the relation between the applicant No.3 and the complainant.
4. Learned counsel for the State, *per contra*, would oppose the bail application.
5. The arguments raised by the learned counsel for the applicants is self-contradictory. If the applicants No.1 & 2 reside in Jharkhand there is no question of the complainant pressuring her husband to live separate from his parents. The material available in the case diary indicates that whenever the complainant used to reside in the house of the applicants No.1 & 2 at Jharkhand she was subjected to cruelty. Similarly the applicant No.3 has committed physical cruelty which resulted in miscarriage. This act of the applicant No.3 is not only an offence, but is immoral and inhuman.
6. Considering the nature of allegations, this Court is not inclined to extend the benefit of Section 438 of the Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri