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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1738 of 2020**

1. Dr. Prafulla Kumar Pashiney S/o Late N.P. Pashiney, Aged About 75 Years
2. Smt. Nayantara Pashiney, W/o Dr. Prafulla Kumar Pashiney, Aged About 68 Years

Both the above, Permanent R/o Flat No. 102, Plot No. 29, Siddhesh Sai Vihar Apartment, Vidya Vihar Colony, Pratap Nagar, Nagpur, Police Station - Pratap Nagar, District - Nagpur (Maharashtra) Pin - 440022, Presently Residing At C-1102, Marvel Fria, Near Kambal Bagh Society, Wagholi, Pune, Police Station - Lonikand, District - Pune (Maharashtra) Pin - 412207.

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station - Mahila Thana, Sector-6, Bhilainagar, Tahsil And District - Durg Chhattisgarh.

---- Non-Applicant

MCRCA No. 129 of 2021

1. Smt. Richa Mohabey W/o Amit Mohabey Aged About 44 Years Resident Of G - 402, Sylvan Heights, Sanewadi, Aundh, Pune, P.S. Aundh, District Pune (Maharashtra) Pin 411007.
2. Smt. Rashmi Katakwar W/o Rohit Katakwar Aged About 41 Years R/o Flat No. 703, Prakuti Pearls CHS Ltd. Hiranandani Estate, Thane West, P.S. Thane, District Thane (Maharashtra) Pin 400607.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Mahila Thana, Sector -6, Bhilainagar, Tahsil And District Durg Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Hari Agrawal, Advocate.
For Non-Applicant : Shri Sudeep Agrawal, Deputy AG.
For Objector : Shri Jaydeep Singh Yadav, Advocate.

Proceeding Through Video Conferencing

Hon'ble Shri Prashant Kumar Mishra, Ag CJ

Order On Board

25/06/2021 :

1. The aforesaid MCRCAs are being disposed of by this common order as they arise out of Crime No.70/2020, registered at Police Station Mahila Thana, District Durg for offence punishable under Section 498-A read with Section 34 of the IPC.
2. Applicant No.1 Dr. Prafulla Kumar Pashiney and applicant No.2 Smt. Nayantara Pashiney, aged about 75 years & 68 years, respectively, (Applicants in MCRCAs No.1738/2020) are father-in-law and mother-in-law whereas Applicants (in MCRCAs No.129/2021) are Sister-in-law of the complainant namely, Shubha Rai, who was married to husband Rajat Pashiney on 27.4.2013. As per the written complaint lodged on 16.10.2020 based on which the FIR has been registered on 28.11.2020, the husband used to perform unnatural sex and commit cruelty for demand of dowry.
3. It is argued that the couple have 4 years old son and because of dispute between the husband and wife, the husband has filed a suit for divorce on 10th September, 2020 before the Family Court, Pune. As a counterblast, the present complaint has been lodged.
4. Learned State Counsel and learned counsel for the Objector would oppose the prayer for grant of anticipatory bail.
5. Considering that the applicants Dr. Prafulla Kumar Pashiney & Smt. Nayantara Pashiney (MCRCAs No.1738/2020) are elderly persons being father-in-law and mother-in-law and are residing separate from the

complainant and her husband, and Applicants namely, Smt. Richa Mohabey & Smt. Rashmi Katakwar (MCRCA No.129/2021) being the sister-in-law of the complainant and the allegation against them is not of committing direct cruelty and the main allegation is against the husband, I am inclined to release all the applicants on anticipatory bail.

6. Accordingly, the applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

(i) they shall not influence the witnesses during trial.

(ii) they shall make themselves available for interrogation by a police officer as and when required;

(iii) they 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 from disclosing such facts to the Court or to any police officer.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

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