

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.1800 of 2020**

1. Umesh Kumar Shukla S/o Late Rajbali Shukla Aged About 62 Years R/o Qtr. No. D. W. 76, Abhishek Nagar, Police Station Cant, Kasba And District Gorakhpur, (U.P.)
2. Prasoon Shukla S/o Umesh Kumar Shukla Aged About 24 Years R/o Qtr. No. D. W. 76, Abhishek Nagar, Police Station Cant, Kasba And District Gorakhpur, (U.P.)
3. Smt. Swati Tripathi W/o Himanshu Tripathi Aged About 29 Years R/o Qtr. No. 9-B, Sadak No. 33b, Chitrangan, Police Station Chitrangan District Bardhaman, (West Bengal) **---- Applicants**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana Sector- 6, Bhilai Nagar, District Durg, Chhattisgarh

-- Respondent

For Applicants	:	Mr. T.K. Jha, Advocate
For Respondent/State	:	Mr. Lalit Jangde, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****07/01/2021**

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.72/2020 registered at police station – Mahila Thana Sector-6, Bhilai Nagar, District Durg (CG) for alleged commission of offence under Section 498-A, 34 of IPC.

2. Case of the prosecution is that the applicants, father-in-law, brother-in-law and sister-in-law are harassing and torturing the prosecutrix, the wife of co-accused and it is alleged that not only huge amount was collected at the time of marriage but later on, prosecutrix was harassed in many ways in the matrimonial house so much so that she had to finally leave matrimonial house in February, 2020 and thereafter, condition was being imposed that if she wants to return, she has to come with Innova car.

3. Learned counsel for the applicants would submit that the allegations made against the applicants are exaggerated in nature. It is stated that though marriage was solemnized on 29.01.2019, it was not successful and time and

again there was lot of dispute and finally the wife went back to parental house in February 2020. When all settlement proceedings failed, report has been lodged. He would next submit that in these circumstances, the applicants may be protected by anticipatory bail.

4. On the other hand, learned counsel for the State would submit that from the report lodged by the prosecutrix, it is clear that right from the date, the prosecutrix was married on 29.01.2019, one way or the other, she was being harassed, her husband was drunkard and asking for money from time to time and was also doubting her character. It has also been alleged that even father-in-law was a person of loose character. The brother-in-law and sister-in-law were also involved in harassment in many ways along with the husband.

5. Having considered the submission of learned counsel for the parties, material disclosed and case diary, it prima facie appears that the marriage was solemnized on 29.01.2019 and since then dispute were existing between the husband and wife and finally within a short period of about one year, the wife left the matrimonial house in February, 2020, report has been lodged in the Police Station in the month of December, 2020 i.e. after about 10 months making allegation. There is no specific incident reported nor any specific injury also shown therefore, in these circumstances, I am inclined to protect the applicants by grant of anticipatory bail. Accordingly, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the arresting officer and the applicants shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that 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 her from disclosing such facts to the Court or to any Police Officer.
- (iii) that applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

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