

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1777 of 2019

1. Ramkripal Mishra S/o Late Lalta Prasad Mishra, aged about 80 years, Occupation: Retd. Sub Engineer R/o Godhanpur, P.S. Gandhinagar, District: Surguja (C.G.)
2. Smt. Kamla Devi W/o Ramkripal Mishra, aged about 60 years, R/o Godhanpur, P.S. Gandhinagar, District: Surguja (C.G.)

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, P.S: Mahila Thana, Ambikapur, District: Surguja (C.G.)

---- Respondent

For Applicants	: Mr. Nishi Kant Sinha, Advocate.
For Respondent/State	: Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/01/2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 37/2019, registered at Police Station: Mahila Thana, Ambikapur, Surguja (C.G.) for the offence punishable under Section 498-A of IPC.
2. In this case the present Applicants are the Father-in-law and Mother-in-law of the complainant. Marriage of the complainant solemnized with the present Applicants son namely Jitendra Mishra on 22.04.2016. As per the prosecution story, on 27.08.2019, complainant lodged FIR alleging therein that at the time of marriage her father gave 3 Lakhs Rupees Cash and deposited Rs. 50,000/- in the bank account of Applicant No.01 thereafter, husband of the

complainant started torturing her with cruelty saying that she has brought 1,50,000/- less in her dowry, thereafter she was sent to her father's house, then her father gave Rs.50,000/- to the Applicant. The applicant remained unsatisfied and again started torturing the complainant on account of which she went to her Father's house to reside there. On the basis of said, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are falsely implicated in the present case. He submits that virtually complainant herself doesn't want to live the Applicant, she used to complain that she wanted to live separately from parents of husband of the complainant. He further submits that Applicants are old persons aged about 80 & 60 years respectively and they are also suffering from various ailments, complainant is residing separately since 12.09.2018, and the complainant has filed this report very late, in order to create pressure for the husband of the complainant and his parents therefore, he prays for grant of anticipatory bail to the Applicants.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and further considering the fact that there was delay in filing the FIR by the complainant and the Applicants are the old age persons aged about 80 & 60 years respectively, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the

sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and they shall abide by all the following terms and conditions:-

- I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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 him/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

**Sd/-
(Arvind Singh Chandel)
Judge**