

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1213 of 2015

1. Baratu Ram Sinha, son of Johran Sinha, aged about 60 years,
2. Pawara Bai, wife of Baratu Sinha, aged about 58 years,
3. Shailendri Sinha, daughter of Baratu Ram Sinha, aged about 22 years

All are residents of village Tamora, Police Station Balod, District Balod (C.G).
... **Applicants**

Versus

State of Chhattisgarh through the Station House Officer, Police Station Balod, District Balod (C.G) ... **Non-applicant**

For the applicants	:	Mr. B.P. Singh, Advocate
For the Respondent	:	Ms. Sunita Jain, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.12.2015

1. Apprehending arrest in connection with Crime No. 531 of 2015 registered at Police Station Balod, District Balod Chhattisgarh for the offences punishable under Sections 498(A) & 323/34 of IPC, the applicants have preferred this application u/s 438 Cr.P.C., for grant of anticipatory bail.
2. Case of prosecution, in brief, is that A-1 Baratu Ram Sinha is father-in-law. A-2 Pawara Bai is mother-in-law and A-3 Shailendri Sinha is sister-in-law. Son of applicants 1 & 2 namely Pitambar Sinha was married to complainant Durga Bai @ Sunita on 21.05.2013. It is alleged that thereafter the complainant was subjected to cruelty and consequently a community meeting was also held and the matter was pacified. Thereafter the complainant became pregnant and gave birth to a child and again she lodged a report that the applicants started torturing.

3. Learned counsel for the applicant submits that there have been some differences, for which a meeting was held and father of complainant was imposed fine of Rs.5000/-. He also submits that further statement of the complainant was recorded on 26.06. 2015 the part of which is filed before this Court wherein she has stated that she is living happily along-with in-laws and husband and she has no complaint against them. In the said statement the complainant further stated that she wants to state this fact before Women and Child Development Officer that she is not being subjected to torture and she was happy at matrimonial home. He further submits that thereafter the differences arose and again a report was made wherein the allegations made against these applicants are general in nature.
4. Per contra, learned State Counsel opposes the bail and submits that after the statement of complainant was recorded she was again subjected to cruelty and thereafter a report was made in the month of September, 2015.
5. I have gone through the statements of case diary and the report of complainant. Having gone through the statements/report, it appears that the main allegations are levelled against husband that he assaulted the complainant whereas the general allegations are made against these applicants.
6. Taking into the fact of earlier conciliation proceedings as also the fact that allegations made against these applicants are general in nature, I am inclined to extend the benefit of provisions of section 438 Cr.P.C., to these applicants.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal

bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

(i) that they shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that 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/her from disclosing such facts to the Court or any police officer;

(iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

**GOUTAM BHADURI
JUDGE**

Rao