

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1278 of 2015

- Smt. Shanti Soni W/o Late Hari Kishan Soni Aged About 65 Years
House Wife R/o Sonarpara, Rajnandgaon, Distt. Rajnandgaon
Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through P.S. City Kotwali, Distt. Rajnandgaon
Chhattisgarh. --- **Respondent**

For the applicant : Mr. H.S. Ahluwalia, Advocate.

For the Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.12.2015

1. Apprehending arrest in connection with Crime No. 657/2015 registered at Police Station City Kotwali, Rajnandgaon, District Rajnandgaon, for the offences punishable under Sections 498-A/34, 323 & 354 IPC, the applicant has filed this application u/s 438 CrPC.
2. As per the prosecution case, the complainant Rajkumari Soni was married to accused Manoj Soni on 04th June, 2014 and thereafter, she was subjected to torture on different counts by the husband, brother-in-law and mother-in-law, the applicant herein. It is stated that out of the wedlock, the complainant blessed with a son.
3. Learned counsel for the applicants submits that the applicant is mother-in-law and is an old and infirm lady. According to Annexure A-1, the medical certificate the applicant is bed-ridden and is dependent on others. He further submits that the allegations levelled against the mother-in-law are general in nature, therefore, she may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.

5. Perused the case diary and documents. A perusal of the case diary shows that the complainant do not want any conciliation and the allegations are primarily against the husband and brother-in-law that they have assaulted her.
6. Taking into the nature of allegations which are general in nature and further taking into ailment of the applicant and she is infirm lady of 60 years, I am inclined to extend the benefit of provisions of 438 Cr.P.C. , to the applicant.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she will be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting her or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
- (i) that she will make herself available for interrogation before the investigating officer as and when required;
 - (ii) that she will 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 she will not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that she will appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**