

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 84 of 2016

Smt. Sushma Sharma, W/o. Krishna Murari Sharma, aged about 50 years,
R/o. Kothiya House, Chandranagar Colony, Raigarh, Police Station and
Post Chakradharnagar, Raigarh, Civil and Revenue District – Raigarh
(C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station- Chakradharnagar,
Raigarh, District – Raigarh (Chhattisgarh)

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate.

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/02/2016

1. Apprehending arrest in connection with Crime No.07/2016 registered at Police Station- Chakradharnagar, Raigarh, District - Raigarh (C.G.) for the offence punishable under Section 354, 354 (क), 370 (क), 374 of Indian Penal Code and Sections 7, 8, 16 & 17 of the Protection of Children from Sexual Offences Act, 2012, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, a report was made on 02.01.2016 that prior to 23.12.2015, two girls namely Madhuri Manjhi and Preeti Bhagariya were hired for domestic help in the house of K.M. Sharma and the present applicant is the wife of K.M. Sharma. Thereafter, they were subjected to torture and K.M. Sharma committed sexual assault and when it was complained, he used to abused the girl Madhuri and Preeti. An enquiry was made by Mahila Bal Kalyan Ashram thereafter, two girls were taken away. Subsequently, statements were recored and the FIR is registered.

3. Learned counsel for the applicant would submit that initially Bal Kalyan Samiti people came at the behest of one Jassi Filip, who was denied for house to be given on rent and thereafter the alleged complaint was said to be made by the daughter of the applicant namely Ayonija Sharma, who is the student of Rungta Dental College, Bhilai that certain offence was committed. However, the daughter had never complained and false allegations were made. He would further submit that on 23.12.2015, the ladies of the Bal Kalyan Samiti along-with police came and after enquiry they were satisfied that no offence is committed and while they were going back, they saw two girls were watching TV, they took them away and on 02.01.2016, a report was lodged. He would further submit that the parents of the girls had volunteered to get the girls employed in the house of K.M. Sharma for domestic help and the present applicant is the wife of K.M. Sharma and no allegations have been attributed like nature against this applicant and the report has been made at the behest of one Jassi Filip, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail and would submit that both the girls were subjected to torture and sexual assault by K.M. Sharma. He would further submit that the applicant is the wife of K.M. Sharma and prima-facie case is made out against this applicant, therefore, he prays that the applicant may not be extended the benefit of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary and the statements of the girls recorded under Section 164 and 161 of Cr.P.C. and also the statement of

parents of the girls. Perusal of the statements, prima-facie it appears that the girls were taken for domestic help to the house of K.M. Sharma and in statement recorded under Section 164 of Cr.P.C., allegation of sexual harassment has been attributed against K.M. Sharma. Taking into the nature of allegation against this applicant and the report of Bal Kalyan Samiti, considering the degree of allegation against this applicant and further taking into fact the applicant is a lady, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C.

7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge