

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 172 /2016

1. Parwati Mishra, W/o. Mahanand Mishra, Aged About 50 Years, R/o. Ward No.2 Maa Karma Ward, Behind Vivekanand School, Kasturva Road Kawardha - Kabirdham, Civil & Revenue District Kabirdham, Chhattisgarh
2. Genda Bai, W/o. Santosh Pandey, Aged About 40 Years, R/o. Kholwa, Police Station & Tehsil S. Lohara, Civil & Revenue District Kabirdham, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicants : Mr. P.P.Sahu, Advocate.

For Respondent : Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/03/2016

1. Apprehending arrest in connection with Crime No.14/2016 registered at Police Station- Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 498(A)/34 of Indian Penal Code, the applicants have 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, the complainant Bhuneshwari was married to Thakur Prasad on 30.05.2015 and thereafter she stayed at her matrimonial house wherein she was subjected to torture in different ways and demand of dowry was also made. Thereby, the offence has been committed.
3. Learned counsel for the applicants submits that the applicant No.1 is Mother-in-law and applicant No.2 Genda Bai is Aunt Mother-in-law and she resides at different village at Kholwa and false

averments have been made against the applicants, therefore, they may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the report of the complainant as also the conciliation proceedings. Perusal of the case diary would show that the applicant No.2 Genda Bai resides at different village Kholwa other than the complainant's residing village along-with her husband. Considering the general allegations made against these applicants and taking into fact that the main allegations are against the husband and further considering the fact that the applicant No.1 is 50 years old lady and applicant No.2 is a lady residing at different village, I am inclined to enlarge the applicants on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed.
7. 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 furnishing a personal bond to a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the 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) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the 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/-
(Goutam Bhaduri)
Judge

Ashok