

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 175 of 2016

1. Sandhya Rani Mandal W/o Shambhunath Mandal Aged About 50 Years R/o Samta Colony, Behind Union Bank, Thana Azad Chowk, Raipur, Tahsil & District Raipur, Chhattisgarh.
2. Smt. Seema Mandal W/o Sujeet Mandal Aged About 27 Years R/o Samta Colony, Behind Union Bank, Thana Azad Chowk, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Petitioners

Versus

- State of Chhattisgarh Through Station House Incharge, Police Station Azad Chowk, Raipur, Chhattisgarh.

---- Respondent

For the applicant	:	Mr. Arvind Shrivastava, Adv.
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.03.2016

1. Apprehending arrest in connection with Crime No. 27 of 2016 registered at Police Station Azad Chowk, Raipur, Distt. Raipur (C.G) for the offences punishable under section 498-A of IPC, the applicants have filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made by Indu Mandal that she was married to Tumesh Mandal on 03.07.2014 and subsequently she was subjected to torture for demand of dowry by the mother-in-law, sister-in-law and her husband thereby the offence is committed.

3. Learned counsel for the applicants submits that the applicants are mother-in-law and sister-in-law of the complainant and the allegations made against them are general in nature. He further submits that after the report was made conciliation proceedings were drawn wherein also such allegations were not levelled about the torture. It is further submitted that a case u/s 13(b) of Hindu Marriage Act for mutual divorce has been filed by the parties wherein also these allegations have not been made and there is delay in lodging the report from the date of alleged incident.
4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that no person has been named in the name of Sandhya Rani Mandal who is applicant No.1 and the mother-in-law has been shown as Mamta Mandal and sister-in-law Seema Mandal has been named against whom the allegations of torture has been levelled.
5. Perused the case diary, conciliation proceedings and the statements.
6. After perusal of the statements as also the conciliation proceedings, it appears that the allegations against the husband, mother-in-law and sister-in-law are general in nature. The mother-in-law though has been named as Mamta Mandal, however, the applicant on a query being made submits that the name of mother-in-law is Sandhya Rani Mandal.
7. Taking into totality of facts and circumstances of the case and looking to the the nature of allegations which are general in nature, I am inclined to allow this bail

application.

8. 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 in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer.
9. It is made clear that the identify of applicant No.1 Sandhya Rani Mandal shall be made by identifying her as wife of Shambhunath Mandal as shown in the application.
10. 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 them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

