

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 259 of 2016

- Smt. Hemlata Sahu W/o Sachhidanand Sahu Aged About 55 Years R/o Qr. No. 10, Purani Basti, Kohka, Ward No.-9 Bhilai, Tah & District - Durg - Chhattisgarh, Civil & Revenue District Durg - Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through Chouki Smritinagar, P.S. Supela Bhilai, District - Durg – Chhattisgarh
Respondent

For the applicant	:	Mr. P.R. Patankar, Advocate.
For the State	:	Ms. Sunita Jain, Panel Lawyer.
For the Objector	:	Mr. C.J.K. Rao, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.03.2016

1. Apprehending arrest in connection with Crime No. 179 of 2016 registered at Police Station Supela, Bhilai, Distt. Durg (C.G) for the offence punishable under section 498-A/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, complainant Daksha Bharti Sahu was married to Yogesh Sahu on 31.01.2013. Thereafter, when she joined at matrimonial home, she was subjected to torture for demand of dowry by the husband and in-laws and an amount of Rs.5 lakhs was demanded by the applicant and other co-accused. It is further alleged that she was subjected to torture because of the fact that a car has not been given in the marriage, thereby the offence is committed.

3. Learned counsel for the applicant submits that the complainant has joined the matrimonial home at Ambikapur with her husband, but all of a sudden she left her matrimonial home in March 2015 and thereafter a case for restitution of conjugal rights was filed by the husband which was decreed wherein the complainant agreed to accompany the husband and no disclosure of any torture was made till the date when the decree was passed on 14.10.2015. Subsequently an FIR was made on 23.12.2015 alleging false allegations. He, therefore, prays that the applicant who is mother-in-law may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel as also counsel for the objector opposes the prayer and would submit that against the applicant, enough evidence is available which would be evident from the statement of the complainant that the complainant was subjected to torture for demand of dowry.
5. Perused the statement, report as also the certified copy of the order dated 14.10.2015 which is passed in a case filed by the husband against the complaint-wife which would show that compromise was entered into between Yogesh Kumar Sahu and the complainant and both have decided to stay together. However, subsequently a report was made on 23.12.2015.
6. Perused the report as also the statement. It appears that primary allegations are attributed to husband. Taking into fact that general allegations have been made against the applicant, I am inclined to extend the benefit of section 438 Cr.P.C., to the present 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 himself 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 him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE