

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 292 of 2016

1. Durgawati W/o Shri Ramprasad Sahu Aged About 62 Years R/o Village Ranai, Police Station Patna, Tahsil Baikunthpur, Civil & Rev. Distt. Korea Chhattisgarh.
2. Dr. Vivek Sahu S/o Ramprasad Sahu Aged About 31 Years R/o Village Ranai, Police Station Patna, Tahsil Baikunthpur, Civil & Rev. Distt. Korea Chhattisgarh.
3. Prashali Sahu W/o Shri Vivek Sahu Aged About 28 Years R/o Village Ranai, Police Station Patna, Tahsil Baikunthpur, Civil And Rev. Distt. Korea Chhattisgarh.

---Petitioners

Versus

State of Chhattisgarh Through Station House Officer,
Police of Police Station Patna, District Korea
Chhattisgarh.

--- Respondents

For the applicant	:	Mr. Anil Gulati, Advocate.
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.04.2016

1. Apprehending arrest in connection with Crime No. 44/2016 registered at Police Station Patna, Distt. Korea (C.G) for the offences punishable under section 498-A/34 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, applicant no.1 is mother-in-law, applicant No.2 is brother-in-law and applicant No.3 is sister-in-law of the complainant Sandhya Sahu. Sandhya Sahu was married to Navin and out of wedlock, a child was born on 03.12.2014 and thereafter, certain

dispute arose between the complainant and the husband since she was subjected to torture by the applicants and husband, thereby the offence is committed.

3. Learned counsel for the applicants submits that the complainant Sandhya Sahu was married to Naveen Sahu in the year 2003 and the dispute occurred between husband and complainant wife since many a time, the wife had left the husband. Subsequently when an application was filed u/s 13 of the Hindu Marriage Act seeking divorce on 18.2.2016 by the husband, in retaliation the present report has been made and the applicants have been falsely implicated. He, therefore, prays for releasing the applicants on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the written report made by the complainant wherein the allegations have been attributed to the husband that he had developed illicit relation with a lady. It is also stated in the report that she was being abused many a time. After perusal of the report and statement, prima facie it appears that general allegations have been made against the present applicants who are in-laws of the complainant whereas the main allegations have been attributed to her husband. Therefore, I am inclined to extend the benefit of anticipatory bail to the applicants.
6. 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 each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. 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 him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**