

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 454 of 2016

1. Smt. Savita Sharma, W/o. Late Badri Prasad Sharma, aged about 53 years, By Caste-Bramhan, R/o. Maan Khamhariya, Distt. - Bemetara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Kawardha, District – Kabirdham (C.G.)

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/05/2016

1. Apprehending arrest in connection with Crime No.132/2016 registered at Police Station- Kawardha, District – Kabirdham (C.G.), for offence punishable under Section 498-A, 34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, complainant, Priyanka Sharma was married to the son of the applicant on 20.04.2014, thereafter some dispute took place between the husband and the complainant as the husband used to doubt the character of the complainant and thereafter the applicant alongwith the son of the applicant used to torture her for demand of dowry. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that there has been some dispute arose in between the son of the applicant and the

complainant but the dispute was not because of demand of dowry. He would further submit that since there has been some doubt about the paternity of the child was in question and the son of the applicant demanded for DNA test, which resulted into dispute and the applicant has been falsely implicated in this case and no cruelty was meted out to the complainant, therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of anticipatory bail.
5. Perused the case diary, statement and the conciliation proceeding. Taking into the nature of the allegation and the contents of the conciliation proceeding, wherein the allegation of demand of dowry has not been made. Taking into such fact and the fact that the applicant is lady aged about 53 years, I am inclined to extend benefit of anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is allowed and 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 executing a personal bond in 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