

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 457 of 2016

- Smt. Kamla Tiwari W/o Laxmi Prasad Tiwari Aged About 60 Years R/o Firangipara Kargiroad Kota, Police Station Kota, Tahsil - Kota, District - Bilaspur, Chhattisgarh. - **Petitioner**

Versus

- State of Chhattisgarh through the Police Station Kota, District - Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. S.C. Verma, Advocate.
For the Respondent	:	Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13.05.2016

1. Apprehending arrest in connection with Crime No. 37 of 2016 registered at Police Station Kota, Distt. Bilaspur (C.G) for the offences punishable under section 307, 328 read with Section 34 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, son of applicant Deepak Tiwari wanted to marry the complainant Deepti Sahu and when she refused by force she was administered poison which was abetted by this applicant and the applicant being mother applauded her son after administering poison to the girl, thereby the offence is committed.
3. Learned counsel for the applicant submits that the entire allegations if any are attributed to the son and the son has already been enlarged on bail. It is further submitted that the story projected by the prosecution cannot be accepted is illogical and cannot be accepted that the way as has

been stated, the mother has applauded her son when the boy was administering the poison. He further submits that the applicant is a teacher and at the relevant time i.e., on 19.11.06, she was in her duty as would be evident from register as Annexure A-4.

4. Per contra, learned State Counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the statement of the victim. The primary allegations are against the son of applicant as the complainant and the son of the applicant were known to each other and the allegations have been primarily attributed to the son. Taking into such facts and documents, I am inclined to allow this bail application.

6. 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 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 herself 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 her by the said
Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

Rao