

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 856 of 2016

1. Smt. Radha Soni W/O Mohan Soni Aged About 60 Years R/O Vinobha Nagar, Police Station Tarbahar, Tahsil & District Bilaspur Chhattisgarh.
2. Ajay Soni S/O Mohan Soni Aged About 40 Years R/O Vinobha Nagar, Police Station Tarbahar, Tahsil & District Bilaspur Chhattisgarh.

----Applicants

Versus

- State Of Chhattisgarh Through P.S. Tarbahar, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants : Mrs. Renu Kochar, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-09-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicants apprehending their arrest in connection with Crime No. 210 of 2016 registered at Police Station Tarbahar, District Bilaspur (CG) for offence punishable under Sections 498-A/34 of the IPC.
2. As per case of the prosecution, applicant No.1 is mother-in-law and applicant No.2 is husband of the complainant Kalyani Soni who was married to applicant No.2 Ajay Soni in the year 2004 and out of their wedlock two children were born. Subsequently the applicants started behaving with the complainant with cruelty, made allegations that she has illicit relation and also demanded money for which eventually a report was made on 4-7-2016 by complainant.

3. Learned counsel appearing for the applicant would submit that applicant No.1 is mother-in-law and applicant No.2 is husband of the complainant. There was a dispute of maternal relation and demand of money is completely concocted and the allegations leveled against the applicants are only omnibus allegations. It is further submitted that the marriage took place in 2004 and after marriage no report was made against the applicants which would show that false allegations have been attributed to the applicants, therefore, considering the facts and circumstances the applicants may be extended the benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents
6. Perused the statement of the victim and also the medical report. Medical report shows that two lacerated wounds over upper lip and lower lip and two contusions over arm were found on the body of the complainant which is attributed to applicant No.,2.
7. Considering the facts and circumstances of the case, considering the statement of the victim and also the medical report in which positive allegations attributed to applicant No.2, I am not inclined to release the applicant No.2 on anticipatory bail. Accordingly the anticipatory bail application of applicant No.2 is liable to be and is hereby dismissed.
8. So far as applicant No.1 is concerned, considering the facts and circumstances of the case, nature of allegations leveled against her and considering the role played by her, I am inclined to extend benefit of anticipatory bail to the applicant No.1 Smt. Radha Soni.

9. 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, applicant No.1 Smt. Radha Soni shall be released on bail by the officer arresting her on her executing a personal bond in the sum of Rs.25,000/- with one local 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) 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

Raju