

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1084 of 2016

- Smt. Manju Shrivastava W/o Umesh Chandra Shrivastava, Aged About 57 Years R/o Renukut E-77, A.D.M. Colony Hindalco, Renukut, Singrauli, Police Station Pipri, Tahsil Duddhi, Janpad & District Sonbhadra, Uttar Pradesh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Mahila Thana, Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Basant Dewangan, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23-12-2016

1. Apprehending arrest in connection with Crime No. 03 of 2016 registered at Police Station Mahila Thana, Bilaspur (CG) for offence punishable under Section 498-A of the IPC, the applicant has preferred the bail application under Section 438 of the Cr.P.C., for grant of anticipatory bail.
2. As per case of the prosecution, a report was made by Smt. Archana Shrivastava on 21-7-2016 that she was married to Ankit Shrivastava on 24-11-2012 and thereafter she was subjected to cruelty for demand of dowry and she was thrown out of the house by the present applicant and husband and thereby the aforesaid offence has been committed.
3. Learned counsel appearing for the applicant would submit that the bail application has been filed by the mother-in-law of the

complainant and earlier there has been some dispute between the husband and wife wherein Section 9 of the Hindu Marriage Act was filed wherein both parties have compromised the petition which would be evident from the copy of the order sheet dated 5-7-2015. He would further submit that present applicant is a lady aged about 57 years and false allegations have been attributed to the present applicant, therefore, considering all the facts and circumstances of the case, benefit of Section 438 of the Cr.P.C., may be extended to the present applicant.

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 proceeding for conciliation.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the applicant is mother-in-law who is aged about 57 years, I am of the considered opinion, *prima facie* that it is a fit case where benefit of Section 438 of Cr.P.C., can be extended to the present applicant.
8. Accordingly, the application filed under Section 438 of the Cr.P.C., for grant of anticipatory bail 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 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