

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M. Cr. C. (A) No. 1324 of 2016**

1. Sumitra Bai Yadu W/o Manharan Lal Yadu, aged about 50 years, R/o Santoshi Nagar, Sharma Khadan, Police Station Tikrapara, Tahsil & District Raipur, Chhattisgarh.
2. Kumari Sudha Yadu D/o Manharan Lal Yadu, aged about 21 years, R/o Santoshi Nagar, Sharma Khadan, Police Station Tikrapara, Tahsil & District Raipur, Chhattisgarh.

**---- Applicants**

**Versus**

State of Chhattisgarh through Police Station Aarakshi Kendra Simga,  
District Baloda Bazar Bhatapara, Chhattisgarh.

**---- Respondent**

---

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For Applicants       | : | Shri Arvind Dubey, Advocate      |
| For Respondent/State | : | Shri Arvind Shukla, Panel Lawyer |

---

**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**08/05/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicants apprehending their arrest in connection with Crime No.196/2016 registered at P.S. Aarakshi Kendra Simga, District Baloda Bazar Bhatapara (CG) for the offence punishable under Sections 498A, 377, 34 of IPC

The case of the prosecution is that the complainant Bhuneshwari filed a complaint on 14.07.2016, contents of which is that the present applicants and the husband of the complainant had been ill treating and torturing her physically and mentally on the basis of which the Police registered an FIR for the offence punishable under Sections 498A, 377 and 34 of IPC.

Counsel for the applicant referring to the documents enclosed with this bail application submits that the marriage of the complainant with the son of present applicant no.1 Tikkam took place on 07.05.2014. Soon after marriage, the complainant put pressure upon her husband to live separately but her

husband was reluctant to live separately on account of the fact that he was the sole son of his parents.

The present applicants are mother-in-law and sister-in-law of the complainant. On 05.02.2016, the husband of the complainant Tikkam Yadu had lodged a complaint at Mahila Thana, Raipur in respect of the pressure that the complainant was putting upon him based on which counseling was held by the Mahila Police, Raipur. In the counselling, as is evident from the documents enclosed with this bail application, it reflects that the complainant had categorically stated that she intended to live separately or else she should be given maintenance. Subsequently, the complainant left the matrimonial home and started living with her parents. In between, on 24.02.2016, the husband of the complainant also filed an application under Section 9 of Hindu Marriage Act seeking constitution of conjugal rights. As a counter to the said application, the complainant initially moved an application under Section 125 of CrPC which is still pending before the JMFC, Simga, Bhatapara and thereafter, the present complaint was lodged on 14.07.2016. A bare perusal of the complaint also reflects that the allegations levelled against the applicants are in respect of the alleged incident which occurred almost two years back.

Considering the total facts and circumstances of the case and taking note of various documents enclosed with this bail application and also keeping in view the judgment of the the Hon'ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar and another reported in (2014) 8 SCC 273, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the present applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000 with one surety each in the like sum to the satisfaction of the Officer arresting them and they shall abide by all the following terms and conditions:

(i) that the applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;

(ii) that the Applicants 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 Applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the Applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-  
**(P. Sam Koshy)**  
**Judge**