

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 20 of 2017**

Smt. Manju Jaiswal W/o Ajay Jaiswal, aged about 42 years, R/o Mission Chowk, Dhobipara, Prajapati Gali, Ward No.19, PS Ambikapur, Distt. Surguja (CG).

-----Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station, Kushmi, Distt. Balrampur Ramanujganj (CG).

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate.
For Respondent	:	Shri Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

04/05/2017

1. The applicant has filed this application for grant of anticipatory bail as she is apprehending her arrest in connection with Crime No.25 of 2016 registered at Police Station Kushmi, Distt. Balrampur-Ramanujganj, for the offence punishable under Sections 304-B and 498-A/34 IPC.
2. As per prosecution case, Mamta Jaiswal committed suicide on 16.07.2016, thereafter on complaint being lodged, a case was registered. During the course of investigation, the family members of the deceased i.e. her Father and two Brothers have lodged complaint against the applicant also of having subjected the deceased to ill treatment leading her to take extreme step of committing suicide. Based upon which, the present applicant was charged for offence under Sections 304-B and 498-A/34 IPC.
3. Learned counsel appearing for the applicant submits that it is a case where the present applicant resides far away from the place of incident. The distance between the place of incident and her house is more than 100 KM. Only general and omnibus allegations have been made against

the applicant, and therefore she may be granted anticipatory bail.

4. On the other hand the State counsel opposes the bail application and would submit that there is statement of father and brothers of deceased against the present applicant, who is sister of the Husband of deceased, and she also used to ill treatment with the deceased.
5. Having heard learned counsel for the parties and taking into consideration the fact that general and omnibus allegations have been made against the applicant; the applicant resides at a different place i.e. more than 100 KM away from the place where incident occurred, and also keeping in view the judgment of Supreme Court in case of Arnesh Kumar Vs. State of Bihar and Another, 2014 (8) SCC 273, this court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
 2. The accused/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;
 3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. 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.
6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge