

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 585 of 2017**

1. Smt. Surma Rani Majumdar, W/o. Shri Prabhanjan Majumdar, aged about 62 years,
2. Prabhanjan Majumdar, S/o. Late Shri Manindranath Majumdar,
Both R/o. Omdham Colony, Mana Camp, Raipur (C.G.)

----Applicants**Versus**

State of Chhattisgarh, Through : the Station House Officer, Police Station
– Mana Camp, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicants	: Mrs. Fouzia Mirza, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/10/2017**

1. Apprehending arrest in connection with Crime No.103/2017 registered at Police Station- Mana Camp, Raipur, District – Raipur (C.G.), for offence punishable under Section 498-A, 323, 506, 34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that they have been falsely implicated by their daughter-in-law. The applicants are old aged persons and there is no likelihood of committing the act as alleged in the FIR and the statement given by the complainant – Arpita Majumdar. The co-accused persons in this case i.e. husband of the complainant has been benefited with regular bail and one daughter of the applicant has also been benefited with anticipatory bail by the Sessions Court, hence,

prayed that the applicants may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail. It is submitted that in the statement of the witnesses, there is clear evidence against the applicants in playing active role in treating with cruelty the complainant as they were persons, who forcefully administered poisonous substance to her, for which she was required to take hospital for treatment, hence they are not entitled for grant of anticipatory bail.
4. Counsel for the petitioner has placed reliance on the judgment passed by the Supreme Court in case of ***Arnesh Kumar Vs. State of Bihar***, reported in ***(2014) 8 SCC 273*** and in case of ***Rajesh Sharma & Ors. Vs. State of U.P. & Anr.***, passed in ***Criminal Appeal No.1265/2017 on dated 27.07.2017***, and prays that as per the guidelines issued by the Supreme Court, the applicants are entitled for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents.
6. Complainant has made statement in the FIR and the statement recorded under Section 161 of Cr.P.C. about the acts of cruelty and torture she was subjected to. The matter of administering phenyl to her forcefully by the applicants as stated has taken place on 30.03.2017 and she was admitted in the hospital on 31.03.2017. A written complaint was lodged on 31.03.2017 but the FIR has been recorded on 12.06.2017.
7. Considering the facts that the applicants are old aged persons and there are specific guidelines by the Supreme Court in case of *Arnesh Kumar* (Supra) and in case of *Rajesh Sharma* (Supra),

which has to be followed and also for the reasons that co-accused persons has been benefited with grant of bail, this Court is inclined to extend the benefit of anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge