

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 833 of 2017**

1. Anil Pradhan S/o Shri Jagannath Pradhan, Aged About 35 Years R/o Village Midmida, Police Station & Tahsil Pusaur, District Raigarh Chhattisgarh.
2. Smt. Tilotam Pradhan, W/o Shri Jagannath Pradhan, Aged About 56 Years Occupation Housewife, R/o Village Midmida, Police Station & Tahsil Pusaur, District Raigarh Chhattisgarh.
3. Kumari Anuradha Pradhan, D/o Shri Jagannath Pradhan, Aged About 22 Years Occupation Nil, R/o Village Midmida, Police Station & Tahsil Pusaur, District Raigarh Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station City Kotwali, District Raigarh Chhattisgarh.

---- Respondent

For the Applicants : Shri Manish Upadhyay, Advocate.
 For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 455 of 2017, registered at Police Station – City Kotwali, District – Raigarh, Chhattisgarh for the offence punishable under Section 498-A/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicants that the applicants are innocent and have been falsely implicated in this case. Complainant – Sukanti Pradhan was married to applicant No.1 – Anil Pradhan about 10 years prior to the incident. Out of this wedlock, applicant No.1 and complainant have two female children. It is also submitted that without any sufficient cause the complainant has deserted applicant No.1 and is living separately since five years. A false complaint has been lodged by her on 18.8.2017 and on the basis of which, FIR has been lodged and the case has been registered against the applicants. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that after the marriage of the complainant and after giving birth to two female children she was tortured and subjected to cruelty by her husband and in-laws because of which she is living separately in the same house; she could not meet the children and her maintenance is also ignored by them. The complainant made a categorical statement against applicants No.1 and 3 that they had been subjecting her to cruel treatment, hence, the applicants should not be benefited with grant of anticipatory bail at this stage.

5. Heard counsel for both the parties and perused the case diary.

6. Considering the submissions and the contents of the case diary, the facts of the case disclosed hereinabove and looking to the submissions made, it is only with respect to applicant No.2 – Smt. Tilotam Pradhan, the prayer for grant of anticipatory bail deserves to be allowed whereas the

prayer made by applicants No.1 and 3 cannot be entertained looking to the direct allegations and circumstances. Hence, the anticipatory bail application of applicants No.1 and 3 – Anil Pradhan and Kumari Anuradha Pradhan is rejected and the anticipatory bail application of applicant No.2 – Smt. Tilotam Pradhan is allowed.

7. Accordingly, the anticipatory bail application of applicant No.2 – Smt. Tilotam Pradhan is allowed and it is directed that in the event of arrest of applicant No.2 in connection with the aforesaid offence, she shall be released on bail by the Officer arresting her 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. She shall also abide by the following conditions:

- '(i) that applicant No.2 shall make herself available for interrogation before the Investigating Officer as and when required;
- (ii) that applicant No.2 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 her from disclosing such facts to the Court or to any police officer;
- (iii) that applicant No.2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicant No.2 shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge