

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1172 /2016

1. Shobha Chowdhary, W/o. Late Shri Parmanand Chowdhary, Aged About 47 Years, By Caste - Aghariya, R/o. Village - Jognipali, Police Station & Tahsil - Saraipali, Civil - Revenue District & District Mahasamund, Chhatisgarh
2. Kewra Bai, W/o. Late Shri Abhimanyu Patel, Aged About 70 Years, By Caste - Aghariya, R/o. Village - Rajpur, Police Station Basna & Tahsil – Pithora, Civil - Revenue District & District Mahasamund, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station- Basna, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Jameel Akhtar Lohani, Advocate.
For Respondent	:	Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/01/2017

1. Apprehending arrest in connection with Crime No.274/2016 registered at Police Station- Basna, District Mahasamund (C.G.) for the offence punishable under Section 304-B/34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Nalini Prabha died because of burn. It is alleged that she was subjected to torture for demand of dowry; consequently, she died an unnatural death. She was married to Santosh Patel in the year 2003 i.e. 13 years back and it is alleged that the present applicants who are sister-in-law and mother-in-law were also party to such cruelty.
3. Learned counsel for the applicants would submit that as per the order of rejection, the police has recorded the statement of Parasmani, Fatte Sai, Sachidanand, Mukhteshwar and Gendlal who were not present at the time of accident and only bald

allegations have been leveled. He further submits that the sister-in-law was residing separately and the applicants have been falsely implicated, therefore, they may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and merged statement of the father of the deceased Fatte Sai. Taking into such statement and the statement of the other witness Balkunwar, mother of the deceased, the main allegation appears to be on husband and statements made that differences were existing between husband and wife. Considering the same, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicants.
6. 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 furnishing a personal bond to a sum of Rs.25,000/- with one surety each 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.

Ashok

Sd/-
(Goutam Bhaduri)
Judge