

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1392 /2016

Kiran Kharbanda, Wd/o. Late Atul Kharbanda, Aged About 30 Years, R/o. Poolsai Para Durg, District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Durg Kotwali, District Durg, Chhattisgarh

---- Respondents

For Applicant	:	Mr. P.P. Sahu, Advocate.
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate.
For Objector/Omprakash Kotwani	:	Ms. Fouzia Mirza, Advocate.
For Objector/Father-in-law	:	Mr. Sunil Sahu, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/02/2017

1. Apprehending arrest in connection with Crime No. 877 of 2016 registered at Police Station Durg Kotwali, District Durg (C.G.) for the offence punishable under Sections 452, 147, 148, 149, 294, 506, 323 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Omprakash Kotwani made a report on 29.11.2016 that the applicant alongwith her brother Sanju Bagga and father Balvir Singh Bagga and others forcefully entered into the office of the complainant as he is the tenant and assaulted him and abused him also and because of such scuffle the complainant sustained certain injuries; thereby the offence is committed.

3. Learned counsel for the applicant would submit that the applicant is a widow lady with a child of 8 to 10 months and the relation in between the father-in-law and the applicant become strange and they are occupying the same house and on the ground floor, the applicant is occupying and because of the dispute the applicant has preferred the petition under the Domestic Violence Act and for maintenance also, this report has been made. It is stated that primarily the report is made while the applicant was assaulted and when the complainant tried to outrage her modesty, the report was made and in order to counter that, the false allegations have been made; therefore, taking into such facts, the applicant may be enlarged on bail.
4. Per contra, learned State counsel and the counsel for the objectors opposes the prayer for grant of anticipatory bail. It is submitted by the learned counsel for the objectors that the relation in between the father-in-law and the applicant are strange and she wanted to take over the entire possession of the property, therefore, false report was made under Section 354 against the complainant. It is further submitted that the complainant was assaulted in the instant case at the instance of the applicant by her brother & father.
5. Perused the case diary and the documents. Also perused the statement of the witnesses. Omnibus allegations have been attributed to the applicant and her brother & father. Taking into the position of the applicant as she is a widow lady with a child of 8 to 10 months and also considering the statement of the complainant which is on record, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection

with the aforesaid offence, she shall be released on bail by the officer arresting her on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the 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;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.

Ashok

Sd/-
(Goutam Bhaduri)
Judge