

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE (A) NO. 1407 OF 2016

Smt. Sudha Singh, W/o Shri Brijpal Singh, aged about 47 years, Caste Khatriy, R/o new Sarkanda, Bangali Para, Gali No.3, Police Station Sarkanda, Civil & Revenue District Bilaspur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Mulmula, Civil & Revenue District Janjgir-Champa (C.G.)

... Non-applicant

For Applicant	:	Mr. Vijay K. Deshmukh, Advocate.
For Non-applicant/State	:	Mr. Ashok Swarnakar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18/05/2017

1. The present application has been filed under Section 438 of CrPC for grant of anticipatory bail to the Applicant who is apprehending her arrest in connection with Crime No. 161 of 2016, registered at Police Station- Mulmula, District Janjgir-Champa, for the offence punishable under Section 498-A/34 of IPC.
2. As per the prosecution case, allegation against the present Applicant, who is the sister-in-law of the Complainant- Madhulika Singh, is that she is said to have subjected the Complainant to ill-treatment and harassment and she is said to have also assaulted the Complainant in public on account of insufficient dowry being brought by the Complainant.
3. Learned Counsel for the Applicant submits that there are omnibus and general allegations against the Applicant being made. He further submits that the Applicant is a resident of Bilaspur residing separately and far away from the place where the Complainant used to stay with her husband. He next submits that the husband of the Complainant has a transferable job and he moves from one station to another on account of

his professional compulsions. He also submits that though the allegations against the Applicant is of ill-treatment and torture being made in public during a meeting held by the village elders, there is no single statement of any independent witness to support the allegations made.

4. Learned Counsel for the State however opposes the anticipatory bail application and reads out the statement of the Complainant as well as father and other relatives of the Complainant.

5. However, on a specific query being put to the State Counsel as to whether there is any statement of any independent witness in support of the allegations of assault and ill-treatment being made during the said meeting of the elders of the society, the State Counsel expressed his regret of there not being any single statement in this regard.

6. Considering the aforesaid facts and keeping in view the judgment of the Hon'ble Supreme Court in the case of **Arnesh Kumar v. State of Bihar & Another**, 2014 (8) SCC 273, this Court is of the opinion that a prima facie strong case for grant of anticipatory bail is made out.

7. Accordingly, the present application under Section 438 of CrPC is allowed. It is directed that in the event of arrest of the Applicant in connection with Crime No. 161 of 2016, registered at Police Station-Mulmula, District Janjgir-Champa, for the offence punishable under Section 498-A/34 of IPC, if she furnishes a personal bond for a sum of **Rs.25,000/- with one surety** of the like amount to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, then she shall be released on bail on the following further conditions :

- (i) that the applicant shall make herself available for interrogation before the concerned 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.

Sd/-

(P. Sam Koshy)
Judge

/sharad/