

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 616 of 2017

1. Smt. Abha Mishra, W/o. Shri Chandra Prakash Mishra, aged about 59 years,
2. Chandra Prakash Mishra, S/o. Shri Krishna Kumar Mishra, aged about 61 years,
Both R/o. Mazar Gali, Modahapara, Thana – Modahapara, District – Raipur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S. -Mahila Thana, District – Raipur (C.G.)

---- Respondent

For Applicants	: Mr. Achyut Tiwari, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/08/2017

1. Apprehending arrest in connection with Crime No.27/2017 registered at Police Station- Mahila Thana, District – Raipur (C.G.), for offence punishable under Section 498-A, 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 Anjali Mishra, the complainant in this case has made a written complaint in Police Station – Mahila Thana, Raipur stating in it that her marriage took place in the year 2013, since then she was living in her matrimonial home and one daughter was born to her. When she was pregnant again and had been to her paternal home in village- Chhura, on her returning she was not allowed to enter in her matrimonial home and was driven out making allegation on her character. Thereafter, almost a year has passed, neither her

husband nor her in-laws have taken care of her, hence for these reasons, she is making a complaint with prayer to assist her in compromising the dispute with her husband and in-laws. On the basis of this complaint, offence has been registered under Section 498-A of I.P.C.

3. It is submitted that applicants are mother-in-law and father-in-law of the complainant respectively, both are government servants both of them were living separately from their son and their daughter-in-law and they have been falsely implicated, hence prayed that they may be benefited with grant of anticipatory bail.
4. State counsel has opposed the application and the submission made in this behalf.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. In view of the judgment passed in case of Arnesh Kumar Vs. State of Bihar, reported in (2014) 8 SCC 273 and in view of the judgment passed recently in case of Rajesh Sharma & Ors. Vs. State of U.P. & Anr., passed in Cr.A. No.1265 of 2017, decided on 27.07.2017, by the Hon'ble Supreme Court, this appears to be a fit case in which the applicants should be benefited with anticipatory bail.
7. 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 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram