

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 68 of 2018

- Smt. Lata Bhatnagar, aged about 60 years, W/o Pradosh Ku. Bhatnagar, resident of Sai Nath Colony, Street No. 3, Near Suyash Hospital, Kota, Raipur (Chhattisgarh).

---- Applicants

Versus

- State of Chhattisgarh, Through: Police In-Charge, Police Station Saraswati Nagar, Raipur.

---- Non-applicant

For Applicant	:	Mr. Ankur Agrawal, Advocate.
For the State	:	Ms. Smita Ghai, P. L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

06/04/2018

1. Heard.
2. Applicant has filed this bail application under Section 438 of the Cr.P.C. apprehending her arrest in connection with Crime No. 172/2017 Registered at Police Station- Saraswati Nagar, District-Raipur (C.G.), for the offence punishable under Sections 498-A and 313/34 of IPC.
3. Learned counsel for applicant submits that applicant has been falsely implicated in this case. It is a case of matrimonial dispute. The complainant herself left the matrimonial house after one month of marriage and she has filed a divorce petition, which has been dismissed on 03.07.17. Subsequent to that a false written complaint

has been filed against the applicant and on the basis of which, FIR has been lodged against him. Hence, it is prayed that applicant be extended the benefit of Section 438 of the Code of Criminal Procedure.

4. On the other hand, learned State counsel opposes the bail application and submits that there is ample evidence against this applicant regarding treating with cruelty her daughter in-law. The applicant pressurized her to abort the child, which she had carried. Hence, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. According to the FIR lodged against this applicant and others co-accused persons, marriage of complainant- Devanshi Bhatnagar was solemnized with co-accused Pravesh Kumar on 17.11.2016. The complainant was subjected to ill-treatment for demand of dowry i.e. for cash and other household articles, as a result of which she left her matrimonial house on 28.12.2016. Subsequent to that she came to know about her pregnancy and her in-laws pressurized her to abort the same because of which she had to go for abortion on 08.02.2017. The applicant and others were not interested to bring back the complainant to her matrimonial house, because of which she was compelled to file divorce petition and subsequent to that the FIR was lodged against the applicant.
7. Considered on the submissions and the contents of the case diary, applicant is a woman of aged about 65 years old and further according to the guideline alleged by the Supreme Court in the Case of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, therefore, I am of this view that applicant should be

extended the benefit of Section 438 of the Cr.P.C.

8. 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 him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge