

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 396 of 2018**

1. Smt. Shailendri @ Madhuri Paikra W/o late Bharat Paikra, aged about 51 years
2. Kumari Poonam @ Moni Paikra D/o late Bharat Paikra, aged about 26 years

Both are R/o village Madi, Police Station Dharsiva, Tahsil Tilda, District Raipur (CG)

---- Applicants**Versus**

State of Chhattisgarh through Police Station Dharsiva, District Raipur
Chhattisgarh

---- Respondent

For Applicants	:	Shri Pushpendra Kumar Patel, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****12/03/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 02.01.2018 in connection with Crime No. 340/2016 registered at Police Station Dharsiva, District Raipur (CG) for the offence punishable under Sections 498A, 313, 34 of IPC.

2. The allegation against the present applicants is that they along with other accused persons subjected the complainant to ill treatment both physically as well as mentally. A written complaint in this regard was lodged by the complainant and thereafter, the applicants have been prosecuted for the said offence.

3. Counsel for the applicants submits that the co-accused in the instant case namely Chintaram Verma has already been granted bail by this Court

in MCrC No. 5717/17 and since the allegations levelled against the applicants are similar, they may also be considered for grant of bail on the ground of parity. He further submits that the allegations leveled against the applicants are all omnibus and general in nature and therefore, taking into consideration the judgment of the Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar and another** reported in **(2014) 8 SCC 273**, the applicants may be released on bail.

4. State counsel, however, referring to the complaint as well as the statement of the complainant Poonam @ Purvi drew the attention of the Court to the specific allegations of ill treatment, torture and cruelty made by applicant no.1 and the husband of the complainant namely Roshan. In the light of the allegations leveled, the State counsel prayed for rejection of the bail application.

5. Having heard the contentions put forth on either side and on perusal of the record and also on consideration of the complaint what reflects is that so far as the applicant no.2 is concerned, there does not appear to be any serious allegation except for general and omnibus averment being made against her. So far as applicant no.1 i.e. mother-in-law is concerned, there are serious and specific allegations on her part reflected in the complaint.

6. Under the circumstances, this Court is of the opinion that it is a case where applicant no.2 is entitled for grant of bail. However, applicant no.1, considering the allegations leveled against her in the complaint, is not entitled for grant of bail at this juncture.

7. Accordingly, the present MCrC stands allowed so far as applicant no.2 is concerned and so far as applicant no.1 is concerned, the MCrC stands rejected.

8. Accordingly, it is directed that applicant no.2 namely Kumari Poonam

@ Moni Paikra shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for her appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**