

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1104 of 2017

- Smt. Sarita Ray W/o Shri Shailendra Ray Aged About 32 Years R/o Babu Jagjeevanram Ward Raipur, District Raipur, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Utai District Durg, Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate.
For Respondent : Mr. Vijay Bahadur Singh, Panel Lawyer.

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

07/02/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.213/2017 registered at Police Station- Utai, District – Durg(C.G.), for the offence punishable under Section 498 (A), 34 of the Indian Penal Code (for short 'IPC') and Section 4 of the Dowry Prohibition Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Even if the allegations made by complainant Devkanya Manikpuri are taken as it is, the status of this applicant is not that of in-law of the complainant in any legal sense. Further, there is no allegation against this applicant that she had committed any torture or cruelty upon the complainant for demand of dowry. Hence, it is prayed that she may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. Complainant Devkanya Manikpuri made a written complaint in PS-Utai stating that she was married to accused Nupesh Das Manikpuri in the year 2011. After the marriage, her husband and in-laws started treating her with cruelty for bringing inadequate dowry. Later on, she came to know that her husband had illicit relationship with this applicant and he had also performed marriage with her.
6. Considered.
7. If the statement regarding marriage of the husband of the complainant is considered, it does not give any legal status to the applicant or develop any relationship with the complainant. Further, looking to the allegations in the complaint and all the material present in the case diary, I am of this opinion, that this is a fit case where applicant should be enlarged on anticipatory bail.
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 her on her executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha