

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 235 of 2018**

Smt. Laxmi Devi Singh, W/o. Late Umashankar Singh, aged about 59 years, R/o. Plot No.3/309, Street No.2, Pushpak Nagar, Post Nehru Nagar, P.S. - Supela, Bhilai, Tahsil and District – Durg (C.G.)

----Applicant

Versus

State Of Chhattisgarh, Through : the Station House Officer, Mahila Thana-Raipur, District -Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashok Verma, Advocate with Mr. Rajesh Sharma, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer
For Objector	: Mr. Arvind Shrivastava, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/05/2018**

1. Apprehending arrest in connection with Crime No.08/2018, registered at Police Station – Mahila Thana, District – Raipur (C.G.) for offence punishable under Section 498-A, 377 & 511/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The complainant has made omnibus and general allegations regarding demand of dowry made by this applicant. This applicant is widow lady and has charge of a mentally retarded daughter. The allegation made by the

complainant are totally false and also the complainant is mentally unsound. Hence, under these circumstances, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that complainant has made direct allegation against this applicant and she was the person behind the demand for dowry and all the harassment given, hence, she is not entitled to be released on anticipatory bail.
4. Learned counsel for the objector submits that because of the activity and conduct of the applicant and co-accused, the complainant has suffered depression and has to under go treatment and for which she can not be blamed that she is suffering from psychic illness. The applicant is responsible for the plight of the complainant at this stage, hence, it is prayed that the applicant may not be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. As per the prosecution, the marriage of the complainant- Priyanka Singh with co-accused Rohit Singh was performed on 22.01.2017. When she started living in her matrimonial home, it is alleged that this applicant and co-accused both started making demand of Honda City Car in dowry and also expressed their dissatisfaction about the gifts given by the parents of the complainant in marriage. Complainant was subjected to harassment and torture in various manner. It is alleged that main accused – Rohit Singh had also satisfied his lust unnaturally with the complainant. In April, 2017, the

complainant left her matrimonial home and is residing with her parents. Written complaint was filed on 19.12.2017 and on that basis FIR has been lodged on 10.02.2018.

7. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary and taking into consideration this fact that this applicant is old and widowed lady and according to the documents filed along with the application, she has charge of a daughter, who is mentally retarded. Further the allegations against this applicant is only under Section 498-A of I.P.C. for which, there are specific directions by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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 executing a personal bond in 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram