

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 255 of 2018**

1. Smt. Radha Mishra, W/o. Late Shri Om Prakash Mishra, Aged About 60 Years.
2. Amit Mishra, S/o. Late Shri Om Prakash Mishra, Aged About 37 Years.
3. Smt. Richa Mishra, W/o. Amit Mishra, Aged About 30 Years,
All R/o Goal Bazaar, Mungeli, District Mungeli, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Women Cell Bilaspur, District -Bilaspur
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Basant Dewangan, Advocate
For Respondent/State	: Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/05/2018**

1. Apprehending arrest in connection with Crime No.15/2017, registered at Police Station – Mahila Thana, District – Bilaspur (C.G.) for offence punishable under Section 498-A read with Section 34 of the 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 the applicants have been falsely implicated in this case. The applicant No.1 is the mother-in-law, applicant No.2 is brother-in-law and applicant No.3 is the sister-in-law of the victim in this case. No case

is made out against the applicants according to the material present in the case diary. The complainant has hardly resided for two months in her matrimonial home thereafter, she left. An effort was made to resolve the dispute between the parties at the level of society, which failed. Thereafter, the complainant has lodged false FIR arraying these applicants as accused in this case. Hence, for this reason, it is prayed that the applicants 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 serious allegations have been made by the complainant mainly against her husband about the atrocities committed by him and against this applicant that they have always supported the atrocities committed by the main accused. Hence, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complaint has been lodged by the complainant – Nidhi Mishra, alleging that after her marriage with main accused Abhisek Mishra was solemnized on 04.02.2016. A demand of Rs.50,000/- and a car was made by the applicants and her husband and the co-accused persons and the complainant was subjected to torture mentally and physically. Within two months, the complainant was compelled to leave her matrimonial home. An effort was made by calling social meeting, in which the applicants were advised by the elders but that was to no affect and subsequently, the FIR has been lodged.

6. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary, it appears that the main allegations is against the husband of the complainant. Looking to the nature of allegation against the applicants and also taking into consideration the guidelines laid down 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, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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