

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 324 of 2018**

Smt. Padma Mishra W/o Pramod Kumar Mishra Aged About 34 Years R/o Qtr. No. 334/01, R. P. F. Colony, Railway Station, Raipur Distt. Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through The Police Station Kotwali, Korba District Korba Chhattisgarh, District : Korba, Chhattisgarh.

**---- Respondent**

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For the Applicant : Shri Rakesh Thakur, Advocate.  
For the Respondent/State : Shri Anupam Dubey, Dy.G.A.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****28.03.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 134 of 2018, registered at Police Station – Kotwali, Korba, District – Korba, Chhattisgarh for the offences punishable under Sections 304-B, 306 & 498-A/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is sister of the main accused Pradeep Pandey, the husband of the deceased. Pradeep Pandey and his wife, the deceased used to reside in Korba it is in that place where the

incident took place, whereas the applicant had been married long ago and had been residing in Raipur. Hence, there has been no occasion for her to harass the deceased for demand of dowry or otherwise. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the marriage of main accused – Pradeep Pandey and deceased – Smt. Nishi Pandey took place five years prior to the date of incident. In the written complaint made by the brother of the deceased on 27.2.2018, it is alleged that there had been a demand of dowry and further there is a statement in complaint which shows that sometime before the date of incident, this applicant had been to Korba to assault the deceased. Hence, this case.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, on 26.2.2018, deceased – Nishi Pandey committed suicide by hanging herself in her matrimonial home in Korba within 7 years of her marriage. After filing of complaint by brother of the deceased on 27.2.2018, an FIR was lodged on 28.2.2018. The address of this applicant clearly shows that she is resident of Raipur, whereas the deceased and her husband are the residents of Korba. Looking to the omnibus nature of the allegation made, I am of the considered view that the applicant deserves to be released on anticipatory bail.

7. 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 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. She 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 them 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