

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 557 of 2018**

Smt. Savita Garg, W/o. Purushottam Garg, Aged About 49 Years, R/o. In Front of Agarsan School, Dari Road, P. S. Kotwali, District Korba Chhattisgarh.

----Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Kshitij Sharma, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/05/2018**

1. Heard on application for grant of ad-interim bail.
2. Counsel for the State submits that case diary is available. At this stage, the counsel for the applicant prays that anticipatory bail application may be heard finally.
3. As both the counsels are prepared to argue the case, therefore, the case is heard finally.
4. Apprehending arrest in connection with Crime No.205/2018, registered at Police Station – Kotwali, District – Dhamtari (C.G.) for offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and Section 4 of Dowry Prohibition Act, 1961,

the applicant has preferred this application for grant of anticipatory bail.

5. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case and a totally false FIR has been lodged by the complainant, who is daughter-in-law of this applicant. No such incident has taken place as alleged in the FIR. Apart from that, the complainant is residing separately about more than one year and compromise has been arrived at between both the parties and dispute has been resolved. Another ground raised in this application is the medical condition as it is suspected by the physician that the applicant may be suffering from Cancer of uterus. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.
6. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that looking to the contents of the FIR lodged against this applicant, she is not entitled for grant of anticipatory bail.
7. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
8. The marriage of the co-accused Sajal Garg with the complainant Ayushi Garg was performed on 24.04.2016. Subsequent to marriage, she started living in her matrimonial home. It is alleged that her husband along with this applicant and other co-accused persons started making demand of dowry from the complainant by taunting her and by making other allegation against her and thus subjected her to cruel treatment. About one year prior to lodging of FIR, the complainant was driven out of her matrimonial home for

the reasons that the demand of dowry made was not met with by her parents. Hence, FIR was lodged on 18.04.2018.

9. Considered the submissions made and the contents of the case diary. Considered on the entire material present in the case diary, the statement about the compromise has been made in the application, which is supported by an affidavit and also the medical conditions of the applicant mentioned in the application, which is also supported by an affidavit. After due consideration and all the material present in the case and also keeping in view 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 applicant.
10. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
11. 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