

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 700 of 2018

Sushma Rani Pathak W/o Shri Rajesh Kumar Pathak Aged About 29
Years R/o Village (Village - Bija, Not Mentioned In Order Impugned)
And Post Takhatpur , Police Station Takhatpur Bilaspur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh Through Station House Office , Police Station
Takhatpur District Bilaspur Chhattisgarh.

---- Respondent

For applicant – Shri Kalyan Kalamkar, Advocate.
For Respondent/State – Shri Suryakant Mishra, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/07/2018

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 60/2018 registered at Police Station Takhatpur, District Bilaspur (C.G.) for offence punishable under Sections 498(A), 304(B), 34 of IPC.
2. As per the prosecution case, one Reshmi Dubey died unnatural death by hanging on 4/02/2018. She was married to Amit Dubey one year prior to the incident. It is contended that the present applicant who is sister-in-law alongwith other accused used the torture the deceased.
3. Learned counsel for the applicant submits that the applicant was residing at her matrimonial home, she was not residing in the same house wherein deceased was living and initially no statement was made against the applicant in the merg and in subsequent statement allegations were attributed against the applicant and statement was recorded in the month of May. He submits that applicant being a lady having two children she may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the merg statement. It appears that the applicant was resident of the different village and omnibus allegations have been made that whenever she used to come thereafter other family members used to torture the deceased. Merg statement was recorded on 4/02/2018. Considering the nature of allegation against the applicant, charge sheet has been filed and also considering the fact that applicant being a lady having two minor children, I am inclined to extend benefit of anticipatory bail to the applicant.

6. 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 local 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) 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/-
(Goutam Bhaduri)
JUDGE

