

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 980 of 2018**

Smt. C.H. Padmawati W/o Late Suryanarayan Raju Aged About 55 Years
R/o- Rumi Nagar, Sukma, District- Sukma, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Sukma, District-
Sukma, Chhattisgarh.

---- Respondent

For the Applicant : Shri Praveen Dhurandhar, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.09.2018**

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. 18 of 2018, registered at Police Station – Sukma, District – Sukma, Chhattisgarh for the offences punishable under Sections 498-A and 313/ 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 a widow lady and she is herself being tortured and harassed by her only son and daughter-in-law/ the complainant because of which, she was compelled to give a legal notice on 18.8.2017 to her son and daughter-in-law to vacate her house. The

applicant was herself assaulted, abused and beaten by her son and daughter-in-law regarding which, she made a complaint to police station City Kotwali, Sukma and no action was taken on that complaint. The applicant was then ompelled to file a private complaint before the Court of CJM, Sukma praying for registration of offences against her daughter-in-law/ the complainant in this case. The complaint was filed on 26.12.2017. Subsequent to these events, the complainant has as a counterblast filed a false complaint on 25.1.2018 and on that basis, FIR has been lodged. 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 there is presence of sufficient evidence on record against the applicant. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. The case against the applicant is that the marriage of complainant – Smt. Ch. Jyoti with the son of the applicant took place in April, 2015. It is alleged in the complaint that the applicant and the co-accused both used to torture and treat the complainant with cruelty for demand of dowry and they also by force administered some drug which resulted in abortion of the pregnancy of the complainant. Hence, this case.

7. Considering the entire material present in the case-diary, and also keeping in view the observations made by the Supreme Court in the cases of

Arnesh Kumar vs. State of Bihar reported in **(2014) 8 SCC 273** and **Rajesh Sharma vs. State of Uttar Pradesh and Others** reported in **(2017) 8 SCALE 313**, I am of the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

8. 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