

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 479 of 2017

1. Shashibhushan Jaiswal And Anr. S/o Ishwar Prasad Jaiswal, Aged About 59 Years R/o Village Podi, Police Station Ramanujnagar, Tahsil Ramanujnagar, District Surajpur, Chhattisgarh., Chhattisgarh
2. Smt. Sudama Devi Jaiswal, W/o Shashibhushan Jaiswal, Aged About 54 Years R/o Village Podi, Police Station Ramanujnagar, Tahsil Ramanujnagar, District Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Baikunthpur, District Korea, Chhattisgarh., Chhattisgarh

---- Respondent

MCRCA No. 694 of 2017

- Rajnish Jaiswal S/o Shashibhushan Jaiswal, Aged About 24 Years R/o Village Podi, Police Station Ramanujnagar, Tahsil Ramanujnagar, District Surajpur, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Baikunthpur, District Korea, Chhattisgarh, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Manoj Paranjpe, Advocate.
For Respondent/State	:	Mr. Vivek Singhal, Panel Lawyer.
For objector	:	Mr. Rajesh Ranjan Sinha, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/02/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in both the cases have preferred these applications for

grant of anticipatory bail as they apprehend their arrest in connection with Crime No.154/2017 registered at Police Station-Baikunthpur, District – Korea(C.G.), for the offence punishable under Sections 294, 323, 506, 313, 498-A of the Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that all the applicants are government servants and complainant Savita Jaiswal is also a Shiksha Karmi. Applicant Rajnish Jaiswal in MCRC(A) No.694/2017 was posted in Podi, District Surajpur and the complainant was posted in Barbaspur District-Korea. The complainant wanted her husband to take a transfer to District-Korea which could not materialize because of which a dispute arose. Applicant Rajnish Jaiswal was compelled to make a complaint before the Woman Conciliation Centre, Surajpur and thereafter a false report was lodged against the applicants in order to create pressure upon them to meet the unlawful demand of the complainant. No case is made out against the applicants regarding the alleged offences. Therefore, it is prayed that all the applicants be benefited with the grant of anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that the offence under Section 313 of IPC is punishable with life imprisonment and there are allegations against the applicants that on account of their conduct, the complainant suffered a miscarriage. Hence, no case is made out for grant of anticipatory bail.
5. Learned counsel for objector submits that there is clear evidence against the applicants in the statement given by the complainant that

she was tortured and subjected to cruel treatment for demand of dowry. When the complainant became pregnant for the first time, some medicine was forcibly administered to her, as a result of which her pregnancy got aborted. The complainant again became pregnant in the year 2016 and this time also she was pressurized by the applicants to abort her pregnancy and on her refusal, she was intentionally made to fall from the motorcycle by applicant Rajnish Jaiswal and subsequent to that she was also kicked by her husband on her abdomen for the purpose of aborting the pregnancy. As a result of which, her second pregnancy also got aborted on 7.4.2017. Other applicants have also abetted the said offence committed by Rajnish Jaiswal. Hence, none of the applicants is entitled for grant of anticipatory bail.

6. Heard both the parties and perused the case diary.
7. Complainant Savita Jaiswal wife of applicant Rajnish Jaiswal and daughter-in-law of applicants in MCRC(A) No.479/2017 gave a written complaint in PS-Baikunthpur District-Korea that she was being tortured by the applicants for demand of dowry. Her first pregnancy was aborted without her consent by the applicants by administering some medicine. At the time of second pregnancy also she was subjected to torture and when she was living in separate house at Baikunthpur with her husband, on the instigation given by the applicants in MCRC(A) No.694/2017, her husband applicant Rajnish Jaiswal assaulted her and kicked her on abdomen. Complainant filed a complaint before the Protection Officer, Woman and Child Development Department, District-Korea on which applicant Rajnish Jaiswal tendered apology in writing and stated that he will not repeat the same incident but

subsequent to that her pregnancy has got aborted. Therefore, on 26.5.2017 a complaint was lodged by the complainant based on which offence was registered against these applicants.

8. Considered.
9. As the case is, the second abortion of the complainant allegedly took place when she was residing with her husband applicant Rajnish Jaiswal in a separate house. Thus, taking into consideration the evidence available on record, I am of this view that applicants in MCRC(A) No.479/2017 should be benefited with grant of anticipatory bail, whereas applicant Rajnish Jaiswal in MCRC(A) No.694/2017 is not entitled for grant of anticipatory bail.
10. Accordingly, the anticipatory bail application of applicants in MCRC(A) No.479 of 2017 is allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They 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.

11. The anticipatory bail application of applicant Rajnish Jaiswal i.e. MCRC(A) No.694 of 2017, is rejected.

12. It is made clear that the trial Court shall not get influenced by any observation made in this order, as the same were only for the purpose of deciding bail applications, and it shall proceed with further against the applicants in accordance with law.

Sd/-

(Rajendra Chandra Singh Samant)
Judge