

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1183 of 2018

Smt. Aruna Tiwari W/o Late Triyouginarayan Tiwari, aged about 61 years R/o Ward No. 17, Janjgir, P.S. Janjgir-, Distt- Janjgir-Champa (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station- Janjgir, Distt. Janjgir- Champa (C.G.)

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Objector	:	Mr. Amiyakant Tiwari, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

12/10/2018

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending her arrest in connection with Crime No. 343/2018 registered at Police Station- Janjgir, Distt- Janjgir-Champa (C.G.) for the offence punishable under Section 498-A and 307/34 of the IPC.
2. As per prosecution story, the applicant is mother of one- Tushar Tiwari. Marriage of Tushar was solemnized with the complainant in the year 2012 and they have 2 children. It is alleged that after marriage, the complainant was tortured by her husband as well as by the applicant on demand of dowry. On 11/03/2018 too, the complainant was beaten by her husband and the present applicant. It is further alleged that the present applicant had caught hold the hand of the complainant and his husband poured pesticide in her mouth. When she became unconscious, she was hospitalized. The bills of the hospital were also paid by the complainant's father. After discharging from the hospital,

the complainant went to the house of the applicant, where she found the lock on the door and since 26/03/2018, she is residing with her father. A written report was made by her on 14/06/2018 and on the basis of said report, offence under Section 498-A and Section 307/34 of IPC has been registered against the husband of the complainant and the present applicant.

3. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. She is innocent. He further submits that the applicant is a Govt. servant having posted as peon in the District Cooperative Central Bank Maryadit, Bilaspur. She is residing 150 kms away from the place of complainant, it is not possible for the applicant to harass the complainant, therefore, no offence under Section 307 and 498-A of the IPC is made out against the present applicant. He further submits that virtually, the husband of the complainant is having illicit relation with another lady. On the date of incident i.e. 11/03/2018, the husband of the complainant- Tushar and the complainant had quarreled on this matter and due to this, she herself consumed the poisons' substance. He further submits that complainant earlier made a written report, wherein she herself has admitted the fact that due to some quarrel, she herself consumed poisons substance. After 2 -3 months, she again made the present written complainant, wherein she falsely implicated the present applicant. Since the applicant is in govt. servant and prima-facie no case is made out against her, therefore, the applicant may be extended the benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submitted that in her written report dated

14/06/2018, the complainant has made allegations against the present applicant, therefore, prima-facie case is made out against her.

5. Learned counsel appearing on behalf of the Objector opposes the prayer made by the counsel for the applicant.
6. I have heard learned counsel for both the parties.
7. Considering the above facts and circumstances of the case and the evidence adduced by the prosecution and further considering the fact that the incident has happened on 11/03/2018 and the written report was made on 14/06/2018, and in the earlier report of complainant, she admitted the fact that she herself consumed the poisons' substance, without further commenting on merit of the case, I am inclined to release the applicant on bail.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 - a) That, the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
 - b) The accused/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;
 - c) The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - d) 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.
10. Certified copy, as per rules.

Sd/-
Judge
Arvind Singh Chandel