

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1536 of 2018**

Jhamin Bai, W/o. Mahendra Sahu, Aged About 27 Years, R/o. Village Kanpa, Occupation -Halka Patwari, P. H. No. 13, Mohgaon (Government Servant) Police Station and Tahsil Kawardha, District Kabirdham Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Kawardha, District Kabirdham Chhattisgarh.

---- Respondent

For Applicant	: Ms. Upasna Mehta, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/12/2018**

1. Apprehending arrest in connection with Crime No.297/2018, registered at Police Station – Kawardha, District – Kabirdham (C.G.) for offence punishable under Section 498A, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant for the offence under Section 498-A of I.P.C. for the reason that the applicant can not be termed as in-laws as referred into Section 498-A of I.P.C.. Apart from that there is no direct allegation against this applicant regarding any demand of

dowry or ill treatment. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is alleged that the complainant Mongara Sahu is married wife of Mahendra Sahu. In subsequent development, the co-accused Mahendra Sahu met with this applicant and both of them decided to marry and live together in the same house, where the complainant lives. The complainant has alleged that after coming of this applicant, her husband has started treating her with cruelty and also making demand of dowry. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering on the evidence i.e. against this applicant in the case diary collected in the investigation so far, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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