

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 9 of 2019**

Smt. Reshma W/o Shri Sheikh Fazuddin Aged About 33 Years R/o Moti Para
Beside Of Gujrati Dharamshala Durg District Durg Chhattisgarh., District :
Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer ,police Station Mahila
Thana Sector Bhilai District Durg Chhattisgarh (District Magistrate), District :
Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri T.K. Jha, Advocate.
For the Respondent/State : Shri Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.01.2019**

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. 23 of 2018, registered at Police Station – Mahila Thana, District Durg, Chhattisgarh for the offences punishable under Section 498-A/ 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The

main matrimonial dispute had been between the complainant and her husband – Sharukh Khan who is a co-accused in this case. This applicant neither made any demand of dowry nor had treated the complainant with cruelty. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the evidence is very clear against this applicant regarding her participation in the commission of offence. Hence, the applicant is not entitled for grant of anticipatory bail.

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

6. The marriage of complainant – Aliya Khan with co-accused – Sharukh Khan was performed on 21.6.2018 during which it is alleged that cash of Rs.1,20,000/- was taken by her husband and in-laws as dowry. Subsequent to that, it is alleged that the complainant was subjected to cruel treatment for fulfillment of demand of one washing machine and vehicle because of which, the dispute arose and the husband of the complainant has divorced her according to the Muslim Personal Law. Hence, this case.

7. Considered the entire material present in the case-diary and also considered the allegations that are present mainly against the main accused – Sharukh Khan. Hence, for these reasons, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is allowed.

9. 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