

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 91 of 2019**

1. Smt. Poonam Devi, W/o. Gyaneshwar, Aged About 33 Years, R/o. Merut Police Station and Tahsil Merut District Merut Uttar Pradesh.
2. Smt. Prabha Devi, W/o. Ramraj, Aged About 62 Years, (Wrongly Mentioned As Yamraj) R/o. Daldal Ward No. 8, Bijuri Police Station And Tahsil Bijuri, District Anupur Madhya Pradesh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station Mahila Thana Ambikapur
District Surguja Chhattisgarh.

---- Respondent

For Applicants	: Mr. Vijay Kumar Sahu, Advocate
For Respondent/State	: Mr. Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/01/2019**

1. Apprehending arrest in connection with Crime No.23/2018, registered at Police Station – Mahila Thana Ambikapur, District – Surguja (C.G.) for offence punishable under Section 498-A, 294, 506, 323 read with Section 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. Both the applicants are women and they have been falsely implicated and they have never played any role in the said commission of offence.

One of the co-accused person namely Ramlal Sahu has been enlarged on anticipatory bail by this Court vide order dated 08.01.2019 in M.Cr.C.(A) No.1735/2018. Hence, for this reason, it is prayed that the applicants 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. It is submitted that the complainant has made clear allegation against this applicant regarding demand of dowry and subjecting her to cruel treatment to her. Hence, no case is made out for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the case, after the marriage of the complainant with co-accused Kaushal Kumar Sahu on 19.05.2013, the complainant was tortured and treated with cruelty by her husband and in-laws for demand of dowry in cash Rs.3.00 lakhs continuously. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration of all the material present in the case, that the applicants are women and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
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 applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge