

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 586 of 2019

- Smt. Asha Gupta W/o Shri Subhash Gupta, Aged About 40 Years, R/o Village- Purani Basti, Sitapur, Police Station and Tahsil- Sitapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Mahila Thana, Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Ms. Shivali Dubey, Advocate.

For Non-applicant/State – Mr. Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-05-2019

1. Apprehending arrest in connection with Crime No.05/2018, registered at Police Station – Mahila Thana, Ambikapur, District- Surguja, Chhattisgarh for offence punishable under Section 294, 506-B, 323, 498-A, 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out. This applicant has been made accused only for the reason that she resides in the same house where co-accused Krishna Gupta and others resided with the complainant. The dispute has been mainly between the complainant and her husband for the reason, that co-accused Krishna Gupta was having some extramarital relationship, because of which a dispute arose and the complainant has left the matrimonial home. This applicant has not played any role. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is allegation present against the applicant that she also participated in the incident by abusing the complainant and asking her to leave

her matrimonial home, therefore, her application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. Marriage of complainant Smt. Aradhana Gupta with co-accused Krishna Gupta took place in the year 2004 and she has three kids from the said marriage. It is alleged that after some time, co-accused Krishna Gupta had developed extramarital relationship with another woman, which was cause of dispute and on the date of incident the co-accused assaulted and abused the complainant asking her to leave her matrimonial home. It is also alleged that this applicant and one another co-accused also participated in abusing and asking the complainant to leave her matrimonial home. Hence, this case.

6. Considering on the entire material present in the case diary and also for the reason that the applicant is a woman and a government servant and keeping in view the fact that there is possibility of settlement in this case, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil