

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 759 of 2019**

Smt. Champabai Gupta, wife of Ashok Kumar Gupta, aged about 49 years,
resident of Changeri, Police Station Marwahi, District Bilaspur, Chhattisgarh

----Applicant**Versus**

State of Chhattisgarh, through Police Station Marwahi, District Bilaspur,
Chhattisgarh

---Non-applicant

For Applicant : Ms. Priya Sharma, Advocate.
For Respondent No.1/State : Mr. I. Lakra, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

20/05/2019

(1) The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 8/2019 registered at police station Marwahi, District Bilaspur for the offence punishable under Section 498 read with Section 34 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that marriage of Anju Gupta was solemnized with the applicant's son Ajay Gupta on 5.5.2017. It is further case of the prosecution that applicant and another co-accused persons including husband of the complainant namely Ajay Gupta treated her with cruelty in connection with demand of dowry and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant would submit that neither in the written report nor in the statement recorded under Section 161 of the Cr.P.C. of

complainant, name of applicant is mentioned; as such, she has falsely been implicated in the offence in question as she is running separate shop and she is likely to be arrested and, therefore, the applicant may be extended the benefit of Section 438 of the Code of Criminal Procedure.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing the parties and perused the case diary.

(7) Taking into consideration the nature and gravity of the offence, facts and circumstances of the case; role of the applicant, who is mother-in-law, of complainant Anju Gupta, that she is running separate shop and considering the material available on record, this Court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. 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:

(i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required.

(ii) that 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;

(iii) that the accused/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 him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
V. Judge

D/-

