

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1049 of 2019

Smt. Kiran Anand W/o Ashok Anand Aged About 56 Years R/o Plot No. 1, 116/16, Maitry Kunj Risali, Near Shilp Sagar Apartment, Bhilai Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgrh Through District Magistrate, Mahila Thana, Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri T.K. Jha, Advocate.
For Non-applicant	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

08.08.2019

1. This is first application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicant.
2. The applicant is apprehending her arrest in connection with Crime No. 35/2019 registered at Police Station- Mahila Thana, Durg, District Durg (C.G.), for offence punishable under Section 498(A), 34 of IPC.
3. Case of the prosecution, in brief is that applicant is the mother-in-law of complainant Hina Anand. Her marriage was solemnized with Vishal Anand on 20/02/2009. After some time of marriage applicant, her husband and father-in-law used to harass her. After passing decree of restitution of conjugal right dated 05/07/2018. She had gone her matrimonial house where her husband refused to keep her. On 25/03/2019 applicant and her father-in-law had told that if she wants to reside then she come along with a Car and Rs.10 Lakhs from her parental house.
4. Counsel for the applicant submits that the applicant has innocent and falsely implicated in the present case, therefore, she may be

granted anticipatory bail. He further submitted that complainant is living separately since 2012. Till 10 years no complaint was lodged by the complainant. Applicant is 58 years old.

5. On the other hand, learned counsel for the State opposes the bail application. He further submitted that there is no criminal antecedents of the applicant is reported in police case diary.

6. Looking to the facts and circumstances of the case, looking to the impact of granting anticipatory bail to the applicant on society, this Court is not inclined to give benefit of Section 438 of the Cr.P.C. to the applicant.

7. Consequently, the present anticipatory bail application is rejected.

Sd/-

(Sharad Kumar Gupta)

JUDGE