

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1468 of 2019**

- Smt. Sarojni Sharma W/o Shri R.N. Sharma Aged About 64 Years R/o Gaya Vihar, Shastri Nagar, Naya Sarkanda, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Aditya Sharma, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.
For Objector	: Shri Pawan Kesharwani, Objector

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**28/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 708/2019 registered at Police Station Sarkanda, Bilaspur, District – Bilaspur, (C.G.). for the offence punishable under Sections 304 B/ 34 of I.P.C.
2. As per the prosecution story, applicant is the mother-in-law of deceased Nidhi Sharma. Marriage between son of the applicant and deceased Nidhi Sharma was solemnized in the year 2016. On 6.7.2019, within seven years of her marriage deceased committed suicide by hanging herself. It is alleged that soon before her death, deceased was subjected to cruelty for demand of dowry by the present applicant and by son of the applicant (co-accused). On the basis of the above background, offence has been registered.
3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present

case. He further submits that a suicidal note of the deceased has been found in which no allegation against present applicant regarding demand of dowry or torture is mentioned. The said suicidal note is unsigned, though, brother of the deceased has admitted the fact that suicidal note has been written by her sister (deceased). It is further submitted that a written complaint dated 25.07.2019 was made by father of the deceased in which no allegation against present applicant is mentioned. During merged inquiry also, statement of mother of the deceased was recorded in which no content was found on the basis of which it can be said that offence under Section 304 B of I.P.C. is made out against present applicant. Applicant is a lady aged about 64 years. Therefore, it is prayed that applicant may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State and Objector oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that deceased in her suicidal note, has not made any allegation against present applicant regarding demand of dowry or any type of torture, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, she shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. She shall also

abide by all the following terms and conditions :

- (i) She 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 her from disclosing such fact to the Court,
- (ii) She shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) She shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge