

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1781 of 2019

- Smt. Poonam Tiwari W/o. Anand Tiwari Aged About 26 Years Resident Of Gali No. 1 Kashyap Colony, Police Station City Kotwali, Tehsil And District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station City Kotwali Bilaspur, District Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Mr. UKS Chandel, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/11/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as she is apprehending her arrest in connection with crime no. 329/2019, registered at Police Station City Kotwali, Distt. Bilaspur, Chhattisgarh for the offence punishable under Sections 342, 323, 370 (d)/34 of the IPC and Section 75 of Juvenile Justice (Care & Protection of Children) Act, 2015.
2. As per prosecution story, the applicant and her husband/co-accused Anand Tiwari are the government servant. They brought a minor girl insuring her aunt that they will keep her as a family member and will provide education to her. Allegedly, they have started taking work as a maid servant with her and they used to beat her and upon written information given by the members of Child Line Bilaspur, police has

recovered the minor girl from the house of the applicant and registered the case.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant have taken the minor girl for her education, she neither she misbehaved nor she taken any work with the minor girl. In the statement under Section 161 of Cr.P.C. of aunt of the minor girl, she has not stated anything against the applicant, she even stated that the applicant used to keep her minor girl safely. Due to some family dispute with the brother of her husband, at the instance of him, a false report has been lodged. He lastly submits that co-accused/husband has already granted benefit of bail, the applicant is a lady, she is a government servant and having a child of six months, she is a reputed person of her society, she is a permanent resident of above mentioned address and there is no chance of her absconding, therefore, she may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that in the statement of aunt of the minor girl she has not stated anything against the applicant, co-accused/husband has already granted benefit of bail. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released

on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made herself available for interrogation before the concerned Investigating Officer as and when required;
- II. 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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge