

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1597 of 2018

- Musharrat Begam, W/o Sheikh Harun Ali, Aged About 32 Years, R/o Panjari Plant Raigarh, District Raigarh (C.G.) At present R/o Musharrat Begam, W/o Tabrej Ansari, Aged About 32 Years, R/o Nawadih Naarinawadih Kisko, Lohardaga Jharkhand, District : Lohardaga, Jharkhand

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chakradharnagar, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Rajkumar Pali, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-01-2019

1. Apprehending arrest in connection with Crime No.18/2004, registered at Police Station – Chakradharnagar, District Raigarh, Chhattisgarh for offence punishable under Section 498A/34 of the IPC and Section 3(1)(10) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (in short 'the SC/ST Act') (not mentioned in bail rejection order), 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. She is a divorced wife of the main accused Sheikh Harun. She has no connection with the allegation that has been made regarding cruel treatment to the another wife of Sheikh Harun and commission of offence under the SC/ST Act. The applicant is not concerned with that commission of offence and she never had knowledge about any prosecution against her as she was living separately from the accused persons since long. In the recent development process has been issued by the Court below for appearance of this applicant before the Court, because of which she has apprehension. The applicant intends to appear before the Court and defend

her case. Therefore, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that looking to the long period of absconsion of this applicant she is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the record.

5. The case of the prosecution is this, that, co-accused Sheikh Harun had physically exploited deceased Divya Prabha Toppo and had deserted her. On the basis of the FIR lodged by her the offences were registered against other accused persons and this applicant.

6. Perused the record of the trial Court and all the evidence that has been brought by the prosecution against the co-accused persons. All the co-accused persons have been acquitted by the trial Court because of lack of evidence against them. Hence, looking to the present development and also for the reason that the complainant who is now deceased had made general allegation against this applicant, 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