

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 208 of 2020**

1. Prakharkant Agrawal S/o Late Ajeet Kumar Agrawal Aged About 34 Years
2. Smt. Padmawati Agrawal W/o Late Ajeet Kumar Agrawal, Aged About 62 Years
3. Apoorvkant Agrawal S/o Late Ajeet Kumar Agrawal Aged About 36 Years
4. Smt. Pratibha @ Purva Agrawal W/o Shri Apoorvkant Agrawal Aged About 31 Years

All 1 to 4 R/o Gram Devri, P. S. Dharsiwa, District Raipur Chhattisgarh

5. Smt. Pushpa Agrawal W/o Shri Sunil Kumar Agrawal Aged About 55 Years R/o Gandhi Mandir Ward, Bhatapara, District Baloda Bazar Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Dharsiwa, District Raipur Chhattisgarh

---- Respondent

For Applicants	Mr. Maneesh Sharma, Advocate
For Respondent /State	Mr. Sudeep Agarwal, Deputy Advocate General

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board**

24/6/2020

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.256/2019, registered at Police Station Dharsiwa, District Raipur for the offence punishable under Sections 306, 34 of IPC.
3. Applicant No.1 is the husband, applicant No.2 is the mother-in-law, applicant No.3 is the brother-in-law (*Jeth*), applicant No.4 is the sister-in-law (*Jethani*) and applicant No.5 is the aunt-in-law (*Mausi Saas*) of the deceased. In the dying declaration, the deceased alleges and fastens the liability for the incident on her mother-in-law Smt. Padmawati Agrawal (applicant No.2) and not on any other applicants.
4. In contrary, applicant No.2 Padmawati Agrawal has lodged complaints before the concerned Police as early as on 30.11.2014 and 14.2.2015, which have been filed along with the bail application as Annexure A-2.
5. Learned counsel for the applicants would submit that the deceased was pressurising applicant No.1 to live separate and was threatening to commit suicide and implicate the applicants in false cases.
6. On the other hand, learned counsel for the State opposes the

bail application.

7. Considering the nature of allegations and for the fact that the dying declaration has not made any allegation against most of the applicants, I am of the opinion that present is a fit case, in which, the applicants should be extended the benefit of Section 438 of Cr.P.C.
8. Accordingly, the application is allowed and it is directed that in the event of arrest of these applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
 - (i) they shall make themselves available for interrogation by a Police Officer as and when required;
 - (ii) they 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 for disclosing such facts to the Court or to any Police Officer.

9. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)

Judge

