

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.387 of 2020

Parwati Yadav W/o Hemchand Yadav Aged About 45 Years R/o Village
Gadhiya, Police Station Lohandiguda, District Bastar Chhattisgarh,

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Lohandiguda, District
Bastar Chhattisgarh

---- Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate.
For Respondent/State	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/06/2020

Heard.

1. The applicant is apprehending her arrest in connection with Crime No.81/2019 registered at police station – Lohandiguda, District Bastar (C.G.) for alleged commission of offence under Section 186, 294, 323, 354, 454, 34 of IPC.
2. Prosecution allegation is that the husband of the applicant is residing with the applicant. The applicant is the superintendent of hostel. Inmate of the hostel made a complaint of her modesty outraged by applicant's husband. The allegation against the applicant is that when the Complainant/inmate informed the applicant regarding the act of her husband, instead of taking action against her husband and protecting the inmates, the applicant threatened the complainant of action and getting her transferred.
3. Learned counsel for the applicant would submit that as far as the applicant is concerned, no offence under Section 354 or 454 of IPC is prima facie made out against her because even according to the complainant, the allegations of commission of offence under Section 354 & 454 of IPC are against the applicant's husband only. He would submit that as far as other offences are concerned, they are bailable in nature.
4. On the other hand, learned State counsel submits that though strictly

speaking the allegation of outraging modesty by entering the room of the prosecutrix is on husband of the present applicant, the applicant, upon being informed, did not take any action and has been protecting her husband.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that as far as commission of offence under Section 354 & 454 of IPC are concerned, the main accused is stated to be applicant's husband, all other allegations against the present applicant being commission of offences which are bailable in nature, therefore, present is a fit case for grant of anticipatory bail. Accordingly, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make herself available for interrogation by a Police Officer as and when required;
- (ii) that 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 facts to the Court or to any Police Officer.
- (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Rekha