

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 444 of 2020**

- Savitri Sharma W/o Late Ram Charitra Sharma Aged About 45 Years R/o And Post Khamhidol, Police Station Jaidpur, District Shahdol Madhya Pradesh. Present Address Gandhinagar, Ambikapur, District Sarguja Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Gandhi Nagar, District Sarguja Chhattisgarh.

---- Respondent

For Applicant
For Respondent /State

Mr. Amit Singh, Advocate
Mr. Alok Bakshi, Additional Advocate
General

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****30/6/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending her arrest in connection with Crime No.7/2020, registered at Police Station Gandhi Nagar,

Ambikapur, District Sarguja (CG) for the offence punishable under Section 376 (2) (n) of the IPC.

3. The applicant is the mother of main accused Pushpendra @ Piyush, who had an affair with the prosecutrix. The prosecutrix and Pushpendra started residing together in live-in relationship and she delivered a baby girl in the year 2016. It is alleged that the applicant assured the prosecutrix that she will be married to her son Pushpendra. The prosecutrix continued to reside with Pushpendra, however, he refused to marry her in the year 2017. Thereafter, the prosecutrix started residing separate with her mother but Pushpendra kept on visiting her with an assurance that he will marry her. Finally, Pushpendra refused to marry the prosecutrix in the year 2019, where-after, the present FIR was lodged on 7.1.2020.
4. Considering the nature of allegations against the applicant, who is a lady aged about 45 years and has been implicated for the reason that she is the mother of main accused Pushpendra and had only assured the prosecutrix that his son will marry her, I am of the opinion that present is a fit case, in which, the applicant should be extended the benefit of Section 438 of Cr.P.C.
5. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, she shall be released on anticipatory bail on her executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) she shall make herself available for interrogation by a Police Officer as and when required;
- (ii) 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 him for disclosing such facts to the Court or to any Police Officer.

6. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna