

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.431 of 2020

Smt. Poonam Alias Sonia, W/o Shri Prakash Singh, Aged About 29
Years R/o - Near Jain Mandir, Bhilai-3, Thana- Purani Bhilai, District -
Durg Chhattisgarh **---- Applicant**

Versus

State Of Chhattisgarh Through - Station House Officer, Police Station -
Mahila Thana, District - Raipur Chhattisgarh **---- Respondent**

For Applicant	:	Mr. Shobhit Mishra, Advocate.
For Respondent/State	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/06/2020

Heard.

1. The applicant is apprehending her arrest in connection with Crime No.16/2019 registered at police station –Mahila Thana, District Raipur (C.G.) for alleged commission of offence under Section 489-A, 34 of IPC.
2. Prosecution allegation is that the applicant, sister-in-law, and the other accused including husband, mother-in-law, sister-in-law, all have subjected the prosecutrix to harassment and cruelty in connection with demand of dowry ever since the date of marriage i.e. 18.06.2017 till the date of lodging of FIR on 07.08.2019.
3. Learned counsel for the applicant would submit that the allegation against the present applicant are exaggerated and fabricated also. It is submitted that though there are certain disputes because of which, complainant is having dispute with her husband and she is residing separately, when despite counselling held on 29.06.2019 and 01.08.2019, the dispute could not be settled, a false and fabricated report has been lodged on 07.08.2019. It is also submitted that the co-accused-husband was arrested and has been granted regular bail.
4. On the other hand, learned State counsel submits that the complainant lodged report on 07.08.2019 stating regarding long standing cruelty meted out to the complainant by in-laws in the matrimonial house including the present

applicant, the sister-in-law. It is also submitted that the allegations are specific, particularly, the incident dated 28.05.2019, on which date, the complainant was assaulted by present applicant and other members of the family and attempt was made to strangle her, whereafter, the police had to be called and complainant had to be rescued.

5. On prima facie consideration, it is revealed from the records that what has been stated by the State counsel upon perusal of the case diary that the marriage was solemnized on 18.06.2017. There are some disputes and the matrimonial life of the complainant is not smooth and she appears to be having dispute with her husband and in-laws on 29.06.2019 and 01.08.2019, in two rounds of counselling, which remained unsuccessful, there is no specific allegation much less allegation of incident dated 28.05.2019. The allegations are general in nature. However, by filing an FIR on 07.08.2019, for the first time, there is mention of incident dated 28.05.2019. Therefore, there is considerable force in the submission of learned counsel for the applicant that present is a case of exaggerated allegation. Taking into consideration the aforesaid circumstances and that the husband has already been granted regular bail, the applicant being a lady and further no specific injury report on record, 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)

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