

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1039 of 2020

Smt. Devkali Dubey W/o Manideep Dubey, Aged About 55 Years Occupation
House Wife R/o Patpariya, P.S. Gandhinagar Tehsil Ambikapur District Surguja
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Gandhinagar, District
Surguja Chhattisgarh

---- Respondent

For Applicant : Mr. SB Pandey, Advocate.

For Respondent/State : Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

09/11/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as she is apprehending her arrest in connection with crime no. 225/2020, registered at Police Station Gandhinagar, Distt. Surguja (C.G.) for the offence punishable under Sections 498-A, 323, 506 & 34 of the IPC.
3. In the present case, the applicant is the mother-in-law of the complainant. Marriage with the complainant was solemnized with son of the applicant before three years from the date of incident, allegedly, after the marriage, the applicant and other co-accused persons i.e. father-in-law and husband of the complainant treated cruelty with the complainant on account of demand of dowry. On the basis of said background, report has been lodged by the complainant in concerned Police Station and thereafter offence has been registered against the applicant and other co-accused persons.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that main allegations have been levelled against co-accused/husband of the complainant and he has already been granted benefit of regular bail and another co-accused person i.e. father-in-law of

the complainant has also granted benefit of regular bail. The Counsel lastly submits that the applicant is a lady, she is a mother-in-law of the complainant and only general allegations have been made against her. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the material available.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that other co-accused persons husband and father-in-law of the complainant have already granted benefit of regular bail, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:-
 - I. That accused/applicant shall made herself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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.

Sd/-
(Arvind Singh Chandel)
Judge