

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2104 of 2019

Smt. Kamini Sahu W/o Shri Shyamlal Sahu Aged About 61 Years R/o M.I.G. 66, Housing Board Colony, Hatkeshwar, Dhamtari Tahsil And District Dhamtari Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Mahila Thana District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rakesh Sahu, Advocate.
For Respondent/State	: Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/01/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 35/2019, registered at Police Station: Mahila Thana, District-Raipur (C.G.) for the offence punishable under Section 498-A read with 34 of IPC.
2. In this case the present Applicant is the mother-in-law of the complainant namely Ankita Sahu. Marriage of the complainant solemnized with the present Applicant's son namely Saurabh Kumar Sahu on 18.02.2018. As per the prosecution story, on 15.09.2019, complainant lodged a written complaint alleging therein that after her marriage with the son of the Applicant, the Applicant and her son demanded dowry from her, ill treated and tortured her as well and also demanded 25,00,000/- as cash. On the basis of said, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that main allegations is against the husband of the complainant, present Applicant is the mother in law of the complainant and the complainant was residing separately at Himachal Pradesh along with her husband. He also submits

that complainant herself doesn't wanted to live along with the husband. He lastly submits that husband of the complainant has lodged the divorce petition under Section 13 (1) (ia) of the Hindu Marriage Act, 1955 after that she has lodged written complaint, therefore, he prays for grant of anticipatory bail to the Applicant.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and further considering the fact that the present Applicant is the Mother-in-law of the complainant who is residing separately and the complainant had filed written complaint when the husband of the complainant had filed divorce petition against the complaint, 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.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself 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 him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge