

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 493 of 2021**

Smt. Rupa Devi Aged About 34 Years W/o Shri Sanjeev Kumar R/o House No. 2343, Sector-8B, C Road Police Station, District Bokaro (Jharkhand)

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station D.D. Nagar, District Raipur Chhattisgarh

---- Respondent

For applicant – Shri Uttam Pandey, Advocate.
For Respondent/State –Shri Rahul Jha, G.A.
For objector – Shri Akash Kumar Kundu, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order****30/07/2021**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No.14/2021 registered at Police Station D.D. Nagar, Raipur (C.G.) for offence punishable under Section 506 (B) of IPC.

2. As per the prosecution case, a complaint was filed by one Kiran Kumari that she was in friendship with one Sanjeev Kumar during her coaching class days in the year 2001. In the year 2020 she again came into contact with Sanjeev Kumar by face book who is husband of the present applicant Rupa Devi. Sanjeev Kumar told her that she do not maintain good relation with his wife the present applicant and therefore used to converse with her. It is stated that she also tried to counsel the present applicant to maintain with good relation. All of a sudden she received phone call from the present applicant. Further Rupa Devi called her from the mobile number 8340157152 of Sanjeev Kumar and abused her as a prostitute. Subsequently, the message was sent to her mobile, therefore she made a report on 16/06/2020 against Rupa Devi. Again on 3/12/2020 Rupa Devi called her and subsequently by another number she demanded money and

when money was refused the applicant in between 28/11/2020 and 30/11/2020 hacked the photograph from the face book of Sanjeev Kumar and after cropping the photograph it was posted in face book with obscene message of concubine, as such report was made.

3. Learned counsel for the applicant submits that husband of the present applicant since was acting alongwith the complainant Kiran Kumari though he has used his mobile to settle the matrimonial dispute and allegation have been clamped on the present applicant. It is stated that the present applicant has also made certain report against the husband, therefore in order to counter the same conspiracy has been hatched by the husband along with the complainant. Reference is made to different medical report of the daughter of the present applicant aged about 3 years to show that psychiatric problem exist, therefore she has to be treated at different hospital and she is with the present applicant, therefore if the applicant is arrested daughter will be in difficulty, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel and counsel for the objector opposes the prayer for grant of bail.

5. Learned counsel for the objector would submit that on the earlier occasion also the applicant has committed such offence and sister-in-law of the husband Sanjeev Kumar had made a report against Sanjeev Kumar and the present applicant, therefore the applicant may not be extended benefit of anticipatory bail.

6. Perused the documents. Against primary report case diary shows that phone number 8340157152 it belong to the husband of the applicant not the present applicant and in respect of the other phone number there is no evidence on record to whom it belong. Prima facie it appears that there has been matrimonial dispute also exist between the husband and the applicant.

The daughter of the applicant appears to be suffering with some complicated disease and she is aged about three years. Taking into totality of the fact, I am inclined to extend benefit of anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the 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) that the 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/-
(Goutam Bhaduri)
JUDGE