

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 517 of 2021

- Smt. Aarti Sharma W/o Rajesh Sharma Aged About 31 Years R/o Gandhi Chowk, Nevra, Tahsil Tilda, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Thana In- Charge Thana Bemetara, District Bemetara Chhattisgarh.,

---- Respondent

For Applicant	–	Mr. Sudeep Johri, Advocate
For State	-	Mr. Anmol Sharma, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.08.2021

1. Apprehending arrest in connection with Crime No. 103/2021 registered in Police Station Bemetara (C.G.) for offence punishable under Sections 352, 294, 323, 506, 324 r/w 34 of Indian Penal Code, the applicant has preferred this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. As per the prosecution case, on 09.02.2021 a report was made by the mother-in-law of the applicant that the present applicant forcefully entered into the house along with associates and attacked on her and at that time both the sons were out of the house while the incident was going on, they came along with her husband and thereafter all the complainants and the family members were assaulted and filthy abuses were uttered, thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant and her husband one Rajesh Sharma are fighting a matrimonial case and the order-sheet which is filed on record Annexure A/4 would show that the applicant has been allowed to stay in the house of the complainant by the judicial order dated

25.09.2018 and the grant of maintenance is also allowed to the applicant. It is stated that in order to counter the case registered under Section 498-A of the Domestic Violence Act 2005 and other case of the like nature, a false report has been made by the complainant, therefore the applicant may be extended benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail and read out the statement of Sushila Sharma, the complainant and mother-in-law of the applicant. He further submits that the nature of injury however are simple in nature.

5. Perusal of the record would show that the present applicant has been allowed to stay in the house of the complainant by the order passed under the Domestic Violence Act 2005 and has been directed by the Court to get Rs.5,000/- per month as an interim maintenance. The statement of Sushila Sharma and FIR is considered. Deliberately, there is an omission that nobody has seen the incident. The nature of injury is simple in nature. Taking into the background of the present case and the fact that the case under Section 498-A of the Domestic Violence Act are registered against the complainant, this Court is inclined to release the applicant on bail. Accordingly, this anticipatory bail application is allowed.

6. 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 furnishing a personal bond to a sum of Rs. 25,000/- with one surety each 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) that 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

Vishakha