

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 908 of 2021

Uma Mishra W/o Shri Vaibhav Mishra, Aged About 35 Years, (D/o Shri Reshamlal Harvansh), Occupation -Staff Nurse, R/o G-2, Quarter No. 3, Housing Board Colony, Bilha, District -Bilaspur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station -Kusmunda, District -Korba, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Sumit Singh, Advocate.
For State	: Mr. B.P. Banjare, Dy. GA.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

11/08/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.296/2021 registered at Police Station -Kusmunda, Distt -Korba, (CG), for the offence punishable under Section 498 -A, 294-A, 506/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 28.11.2019 complainant got married with Sanjay Kumar Harvansh @ Bablu. From inception of marriage, her-in-laws started assaulting, harassing and ill-treating her on the ground that she has not brought appropriate dowry at the time of marriage. There was further allegation that when complainant conceived pregnancy, her-in-laws has made allegation against her character. She was taken for Sonography test and after confirmation of pregnancy, present applicant gave some tablets due to which, she suffered miscarriage. Thereafter, she was taken to Government Hospital, Bilha where DNC was done. When complainant was in her parental house, her-in-laws reached there on 17.12.2020, 27.11.2020 & 17.01.2021,

demanded Rs.10 lacs from her father. On the basis of complaint, instant crime is registered against applicant and 5 other family members.

3. Learned counsel for the applicant submits that absolutely false and baseless allegation has been leveled against applicant and other family members. Total 6 persons have been implicated in instant crime. Applicant is sister-in-law of complainant, who is married and residing at Bilha, District -Bilaspur. It is complainant, who from inception of marriage, could not able to adjust herself in her matrimonial house and raising dispute time and again. Sanjay Kumar Harvansh husband of complainant has lodged complaint before concerned Police Station. In the month of September, 2020, when complainant after quarreling with her-in-laws went to Police Station and lodged a report, Police considering the nature of allegation has drawn proceeding under Section 155 of Cr.P.C. Complainant herself executed affidavit on 28th of October, 2020 placed on record as Annexure A-9 mentioning therein that she will discharge the obligation of wife and live properly in her matrimonial house. But after some time, on 03.12.2020, she went to Police Station and lodged complaint. Without consent of her husband and in-laws, she went to her parent's house. Thereafter, husband of complainant filed an application for restitution of conjugal rights, which was registered as Case No.41-A/-2020. In FIR, there is no allegation of administering medicines for aborting pregnancy of complainant, but subsequently only to make serious allegations against applicant it is mentioned in her statement recorded under Section 161 of Cr.P.C. Applicant has placed on record medical prescription issued from Community Health Centre, Bilha District Bilaspur as Ex.A-4 wherein the doctor conducting DNS has recorded consent of complainant as well as her husband on 18.02.2020 much prior

to the lodging of complaint. It is also pointed out that other in-laws ie father-in-law, mother-in-law, brother-in-law have been enlarged on bail under Section 438 of Cr.P.C by the Court below. Applicant is a Government servant working as 'Staff Nurse' in the Health Department. Hence, she may be enlarged on bail under Section 438 of Cr.P.C.

4. Learned State Counsel opposes the submissions made by learned counsel for the applicant and submits that in the statement of complainant recorded under Section 161 of Cr.P.C, there are serious allegations against applicant that she administered some medicines for getting her pregnancy aborted. Demand of amount of Rs.10 lacs against all in-laws, they all visited to her father's house and asked for money. Hence, applicant is not entitled for grant of anticipatory bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations, and the fact that there is consent of complainant as well as her husband in medical prescription placed on record as Annexure A-4 issued by the Doctor for aborting her pregnancy, no allegation of administering of medicines by applicant for aborting complainant's pregnancy in FIR, other in-laws have been granted bail by Court below on other similar allegations, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, she shall be released on bail by the Officer arresting her on executing a personal bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :

- (i) that applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-
(Parth Prateem Sahu)
Judge

Jamal/-