

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.1516 of 2020**

1. Sohan Lal Bhagat S/o Late Balram Bhagat Aged About 35 Years R/o In Front Of Dehati Hotel, Bilaspur, Chowk, Manipur, Ambikapur, Police Station And Tahsil Ambikapur, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
2. Viyaso Bai Bhagat W/o Late Balram Bhagat Aged About 65 Years R/o In Front Of Dehati Hotel, Bilaspur, Chowk, Manipur, Ambikapur, Police Station And Tahsil Ambikapur, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through The Station House Officer, Mahila Thana, Ambikapur, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

Present:-Shri Goutam Khetrapal, counsel for applicant.
Shri Aman Kesharwani, Panel Lawyer for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board

19/03/2021

Heard.

1. At the outset, learned counsel for the applicant seeks to withdraw bail application on behalf of applicant No.1-Sohan Lal Bhagat, because, during the pendency of this bail application, he was already arrested.
2. Accordingly, the bail application on behalf of applicant No.1-Sohan Lal Bhagat is dismissed as withdrawn.
3. The applicant No.2-Viyaso Bai Bhagat has preferred this application under Section 438 of Cr.P.C., apprehending her arrest in connection with Crime No.35/2020, registered at Police Station–Mahila Thana, Ambikapur, District Surguja for alleged commission of offence under Sections 498-A, 34 of IPC.
4. Case of the prosecution is that the applicant-mother-in-law along with her son co-accused-Sohan Lal Bhagat used to harass and subjected to cruelty the wife of Sohan Lal Bhagat namely Savita Bhagat and the main reason was that the co-accused was having illicit relations with another lady and this was opposed and the complainant used to be beaten up by her husband in the stage of intoxication. This act of cruelty were fully supported by the present applicant-

mother-in-law.

5. Learned counsel for the applicant submits that as far as allegations against the present applicant-Viyaso Bai Bhagat is concerned, is not that she was subjecting the prosecutrix to cruelty, but the allegation is that she used to provide support to her son in committing cruelty on the complainant-prosecutrix in many ways. He would further submit that the applicant is a lady of 65 years old and there is no specific material of any injuries found on the body of the prosecutrix. He would next submit that the co-accused-husband(Sohan Lal Bhagat), who is the main accused, was subsequently arrested during the pendency of this bail application and thereafter, granted regular bail by the Court below.

6. On the other hand, learned State counsel opposed the prayer for grant of bail by submitting that in view of the report lodged by the prosecutrix, the applicant No.-1-Sohan Lal Bhagat is the main accused and the applicant No.2-mother-in-law claimed innocence on the ground that she used to support her son for every wrong act including cruelty on his wife.

7. Taking into consideration the submission of learned counsel for the parties, further taking into consideration the role alleged to have been played by the applicant No.2-Viyaso Bai Bhagat (mother-in-law), the applicant No.1-Sohan Lal Bhagat (husband of the prosecutrix) appears to be the main accused, who was later on, arrested and thereafter granted regular bail by the Court below, in my considered opinion, the present is a fit case for grant of anticipatory bail to the applicant No.2-**Viyaso Bai Bhagat**.

8. Accordingly, the bail application on behalf of applicant No.2-**Viyaso Bai Bhagat** is allowed. In the event of arrest, the applicant shall be released on anticipatory bail on her furnishing a personal bond for a sum of Rs.25,000/ with one local surety in the like sum to the satisfaction of the arresting officer on the conditions as below:-

- (A) She shall make herself available for interrogation by a police officer as and when required;
- (B) She 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 her from disclosing such facts to the Court or to any police officer, *and*
- (C) She shall cooperate with the investigation as and when she is called.

SD/-
(Manindra Mohan Shrivastava)
Judge