

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.1585 of 2020**

- Swati Das (Mishra) W/o Sushrut Das Aged About 27 Years R/o Ekta Nagar, Mova Raipur, Police Station Mova, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Raigarh, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent**Present:-**

Shri R. K. Agrawal, counsel for applicant.

Shri KK Singh, GA for State.

Shri Savyasachi Bhaduri with Shri Pankaj Singh, counsel for Objector.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava
Order On Board**13/04/2021**

Heard.

1. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending her arrest in connection with Crime No.534/2019, registered at Police Station–City Kotwali, Raigarh, District Raigarh for alleged commission of offence under Sections 507 of IPC and Section 67-A of the I.T.Act.
2. Case of the prosecution is that the applicant, who is daughter-in-law of the complainant, has sent her own nude photographs to her father-in-law and thereby committed the offence.
3. Learned counsel for the applicant submits that between the applicant and her husband-Sushrut Das, number of cases are pending and earlier, a report was lodged against the husband of the applicant, in which, Crime No.240 of 2019 was registered at the Police Station New Rajendra Nagar, Raipur, making similar allegation and only as a counter blast, now the father of her husband made improbable allegation that the applicant, who is daughter-in-law, has sent her nude photograph to her father-in-law. It is argued that this is a case of false implication and therefore, at this stage, the applicant may be protected by the

anticipatory bail.

4. On the other hand, learned State counsel as well as learned counsel for the Objector opposed the prayer for grant of bail by submitting that though, there are cases lodged against the husband-Sushrut Das by the applicant herein, but at the same time, there is prima facie material to show that the applicant has been sending her own nude photograph to her father-in-law, the complainant, therefore, a prima facie case of commission of offences under Section 507 of IPC and Section 67 of the I.T. Act is made out against the applicant.

5. The applicant is wife of one Sushrut Das. The applicant has given details of number of criminal cases registered in various police stations against her own husband. These complaints, which were made not only by the applicant, but her sister, father as also her counsel, led to registration of offences against the complainant, his son and wife also.

6. It prima facie appears that while number of criminal cases were registered against the husband of the applicant and the complainant of the present case on the basis of report lodged by the present applicant, now the report has been lodged by the complainant, who is father-in-law of the applicant, in which, he has come out with the allegation that the applicant is sending her nude photograph to him.

7. This Court also takes into consideration the submission made by learned counsel for the applicant that the allegations are highly improbable that the daughter-in-law would be sending her own nude photograph to her father-in-law. It is argued that obscene photographs, on the basis of which, the present applicant lodged report against the husband of the present applicant, in which crime was registered as Crime No.240/2019 at Police Station New Rajendra Nagar, Raipur.

8. Taking into consideration the totality of the aforesaid circumstances and the material disclosed in the case diary and further taking into consideration that similar allegations were levelled by the applicant against her husband-Sushrut Das under Crime No.240/2019, wherein this Court had already granted bail to Sushrut Das and that there are number of cases pending between the parties, in my considered opinion, the present is a fit case for grant of anticipatory bail to the applicant.

9. Accordingly, the bail application 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