

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1632 of 2020**

- Ram Payari Dewangan Wd/o late Narayan Prasad Dewangan, aged about 62 years, resident of Ward No.43, Devri Khurd Vijay Nagar, Bilaspur Thana Torwa, District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Police Station Torwa, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Akhilesh Kumar, Advocate.
For Respondent.	:	Mr. Devesh Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/03/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending her arrest in connection with Crime No.287/2020 registered at Police Station - Torwa, District Bilaspur (C.G.) for commission of the offence punishable under Section 304 (B) Indian Penal Code.
2. The prosecution case, in brief, is that the marriage of deceased Uma Dewangan was solemnized with Rahul prior to nine months, who (Uma Dewangan) committed suicide on 17.09.2020. On the next day, FIR was registered against Rahul under Section 304-B IPC, and on the same day, father of deceased Uma Dewangan also filed a written complaint at police station in which the name of present applicant is also mentioned.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that expect in written complaint made by father of deceased, the name of present applicant does not find place either in FIR or in the statement of mother of the deceased. He also submits that the applicant is a lady aged about 62 years and she is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed upon her by this Court.
4. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that the father of deceased, in 161 Cr.P.C. statement, has uttered the name of present applicant and her involvement in the crime.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the fact that name of present applicant does not find place in FIR as also in the statement of mother of deceased, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, she shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make herself available for

interrogation/medical examination before the concerned 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 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/-

(Rajani Dubey)
Judge

pkd