

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1633 of 2020**

1. Keshav Prasad Banjare S/o Budhram Banjare Aged About 30 Years R/o Police Line Gariyaband, District Gariyaband Chhattisgarh
2. Smt. Madan Bai W/o Budhram Banjare Aged About 54 Years R/o Village Donga, Kohrod, Police Station And Tehsil Pamgarh, District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Gariyaband, District Gariyaband Chhattisgarh

---- Respondent

For Applicants	Mr. Manoj Paranjpe and Mr. Anurag Singh Advocates
For Respondent /State	Mr. Alok Nigam, Government Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****13.1.2021**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.208/2020 registered at Police Station Gariyaband District Gariyaband, Chhattisgarh for the offence punishable under Sections 498-A, 294, 323 read with Section 34 of the IPC.

3. Applicant No.1 Keshav Prasad Banjare is the husband whereas applicant No.2 Smt. Madan Bai is the mother-in-law of complainant Nisha Banjare, who lodged FIR on 14.10.2020 alleging that she was married with applicant No.1 in March 2018. However, soon after the marriage, she was subjected to cruelty by her husband by stating that she has not brought a four wheeler in dowry. A sum of Rs.1.5 lakhs was demanded as dowry and she was subjected to mental and physical cruelty throughout the period till lodging of the FIR.
4. Having seen the case diary, it appears that the allegation of mental as well as physical cruelty is against the husband, who is otherwise a Constable working in the Police Department. Therefore, no case for grant of anticipatory bail to applicant No.1 Keshav Prasad Banjare is made out.
5. Accordingly, the bail application filed on behalf of **applicant No.1 Keshav Prasad Banjare, is dismissed.**
6. As against applicant No.2 Smt. Madan Bai, mother-in-law of the complainant, the allegation is about assisting her son by instigating and supporting him, when he used to demand dowry and commit cruelty. She is aged about 54 years.
7. Therefore, considering the nature of allegations against applicant No.2 Smt. Madan Bai, I am inclined to extend the benefit of Section 438 of Cr.P.C. to her.
8. Accordingly, the application is **allowed** on behalf of **applicant**

No.2 Smt. Madan Bai and it is directed that in the event of her arrest, she shall be released on anticipatory bail on her furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) she shall make herself available for interrogation by a Police Officer as and when required;
- (ii) 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 him for disclosing such facts to the Court or to any Police Officer.
- (iii) she shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna