

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 990 /2016

Sarvari Begum, D/o. Saiyayd Jaffer Sabri, Aged About 34 Years,
Occupation House Wife, R/o. Madhuban Para, Police Station City Kotwali
Raigarh, Tahsil & District Raigarh, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Amit Singh, Advocate.
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2016

1. Apprehending arrest in connection with Crime No.365/2016 registered at Police Station- City Kotwali Raigarh, District Raigarh (C.G.) for the offence punishable under Section 498A, 326(A)/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by Rashma Anjum, wife of Saiyyad Asgar that she was married to Saiyyad Asgar in the year 2013 and thereafter when she joined her matrimonial home, she was subjected to torture by the in-laws including the present applicant who is sister-in-law i.e. Nanad. On 26.06.2016 the complainant was assaulted and the present applicant had poured kerosene oil over her body and with such condition, she remained for quite a long period of time, which resulted into blister into the body and when in the next day, she reported the matter to the police, she was given medical aid. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and in-fact the complainant wanted to stay separate from their in-laws and sister-in-law that aggravated the situation and therefore false allegations have been attributed, therefore, the applicant may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. Also perused the report and statement of the complainant. The medical report is positive in nature. Taking into such fact, this is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge