

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1103 of 2018**

Smt. Meera Choubey, W/o. Shri Bhupendra Choubey, Aged About 27 Years, R/o. Village- Karra Khuntaghat, Thana- Ratanpur, Civil And Revenue District- Bilaspur, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Station Takhatpur, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Shrivastava, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/09/2018**

1. Apprehending arrest in connection with Crime No.117/2018, registered at Police Station – Takhatpur, District – Bilaspur (C.G.) for offence punishable under Section 498-A/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary. All the co-accused persons have been granted regular bail by the concerned Court. The present applicant is even does not reside in a place, where it is alleged that incident has taken place.

Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is direct allegation in the statement given by the complainant of this case. Hence, he is not entitled to be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complainant, is the wife of brother of this applicant has lodged FIR alleging in it that the applicant along with her husband and mother-in-law subjected the complainant to torture and cruel treatment for demand of dowry and thus have driven her out from matrimonial home. Hence, this case.
6. Considered the submissions made and the contents of the case diary. On due consideration on all the facts facts and circumstances of the case and also keeping in view the guidelines laid down by the Hon'ble Supreme Court in case of *Arnesh Kumar Vs. State of Bihar*, reported in (2014) 8 SCC 273, and *Rajesh Sharma & Ors. Vs. State of U.P. & Ors.* reported in 2017 (8) SCALE 313, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of

Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the 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 so 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram