

# Smt. Krishna Tiwari vs State Of Chhattisgarh on 20 January, 2022

**Author: Parth Prateem Sahu**

**Bench: Parth Prateem Sahu**

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1359 of 2021

- Smt. Krishna Tiwari, Wd/o.Late Housila Prasad Tiwari Aged About 55 Years  
R/o Village Loniapur Pandari P. S. Gourigunj District Amethi (U.P.)

Versus

- State Of Chhattisgarh Through The Police Station Nagarnar, District Bastar  
Chhattisgarh

For Applicant  
For Respondent/State

: Shri PK Tulsyan, Advocate  
: Ms Smriti Shrivastava, PL

Hon'ble Shri Justice Parth Prateem Sahu Order on Board (Proceeding through Video Conferencing)  
20.01.2022

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as she apprehends her arrest in connection with Crime No. 161 of 2020 registered at Police Station- Nagarnar, District- Bastar, Chhattisgarh for commission of offense punishable under Sections 498A, 304B, 34 of the IPC and Sections 3 and 4 of Dowry Prohibition Act.

2. Case of prosecution, in brief, is that, Prerita Tiwari (since deceased) got married with Ashish Tiwari, son of applicant- Smt Krishna Tiwari on 27.04.2018. After marriage, Prerita Tiwari came to her matrimonial home and started residing there, where she was being ill-treated, harassed on the ground of not bringing proper dowry. In November 2019, deceased came along with her husband Ashish Tiwari, co-accused to Nagarnar, District Bastar, Chhattisgarh where he was working as labour contractor in DMC Company. Deceased Mcrca 1359 of 2021 committed suicide by hanging herself in her house at Nagarnar on 07.01.2020. Merg was reported and thereafter, written complaint was lodged by brother of deceased, making allegations against in-laws of deceased that

they were ill- treating, harassing deceased for demand of dowry. Based on written report, aforementioned crime was registered against applicant and seven other accused persons.

3. Anticipatory bail application filed by applicant before the Court below was rejected by impugned order.

4. Shri PK Tulsyan, learned counsel for the applicant would submit that from contents of written complaint itself it is evident that since November, 2019 deceased was living with her husband at Nagarnar, Bastar, Chhattisgarh at his work place, whereas applicant was residing at village Loniapur, District- Amethi, Uttar Pradesh. He submits that from contents of complaint it also reveals that since last two months, deceased was not residing in company of applicant, hence it cannot be a case that soon before the incident or death of deceased, applicant ill-treated or harassed her for demand of dowry. Entire allegation if considered, is against co-accused Ashish Tiwari, husband of deceased. Applicant is a lady, aged about 55 years of age, hence she may be enlarged on anticipatory bail.

5. On the other hand, Ms Smriti Shrivastava, learned State counsel opposing submissions of learned counsel for applicant, submits that immediately after marriage of deceased, in-laws started ill-treating and harassing her on the ground that she has not brought appropriate dowry. There are specific allegations in written report as well as in statement recorded under Section 161 of CrPC of mother- Sarita Pandey and brother- Deep Ranjan Merca 1359 of 2021 Pandey of deceased. Hence, there is prima facie material available in case diary that applicant also used to ill-treat and harass deceased for demand of dowry. However, learned counsel does not dispute submission of learned counsel for the applicant that based on material in FIR and statement recorded under Section 161 of CrPC of brother and mother of deceased, that about one month prior to date of incident, deceased shifted to work place of her husband Nagarnar, District-Bastar, Chhattisgarh along with co-accused Ashish Tiwari.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of case, nature of allegations, fact that since November 2019, prior to the incident of committing suicide, deceased was residing separately at Nagarnar, Bastar along with her husband, whereas applicant was residing at village Loniya, District Amethi, Uttar Pradesh, far from her, age of applicant and she being lady, without commenting anything on merits of case, I am inclined to grant anticipatory bail to applicant.

8. Accordingly, bail application is allowed and it is directed that in the event of arrest of applicant in connection with crime in question, she shall be released on anticipatory bail by the Officer arresting her on her executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. Applicant shall also abide by following conditions :

a) That applicant shall make himself/herself available for interrogation before Investigating Officer as and when required;

b) That applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer;

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c) That applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

d) That applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of trial. Certified copy as per rules.

Sd/-

(Parth Prateem Sahu) JUDGE padma