

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.824 of 2015

1. Panna Lal Chauhan S/o Shri Ganpatram Aged About 40 Years
2. Neelawati D/o Shri Panna Lal Aged About 21 Years
3. Ramprasad @ Ramprasad Chauhan S/o Shri Gapatram Aged About 45 Years
4. Rajendra @ Rajendra Chauhan S/o Shri Ramprasad Aged About 22 Years,
All are R/o Village - Pakhnakot, P.S. Kapu, Tahsil Dharamjaigarh, Civil And
Revenue District - Raigarh (Chhattisgarh).

---- Petitioner

Versus

State Of Chhattisgarh Through : The Police Station - Kapu, District - Raigarh.

---- Respondent

For Petitioners	:	Shri A. N. Bhakta, Advocate
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

02/09/2015

Heard.

2. At the outset, learned counsel for the applicants seeks to withdraw bail application on behalf of applicants No.1, 3 & 4 with liberty to revive at appropriate stage.
3. Reserving the liberty as prayed for, the bail application on behalf of applicants No.1, 3 & 4 is dismissed as withdrawn.
4. Applicant No.2 in the aforestated bail application is apprehending her arrest in connection with Crime No.71/2015 registered at police station–Kapu, District Raigarh for alleged commission of offence under Section 294, 323, 506, 452/34 of IPC.
5. Prosecution case is that the applicant along with other accused went to the house of one Mahendra and it is alleged that Mahendra was assaulted.
6. Learned counsel for the applicant submits that there may be incident of some quarrel between the male members and they might have scuffled resulting in certain

injuries. As far as present applicant (applicant **No.2-Neelwati**) is concerned, there is no specific allegation of criminal overt act against her or that she was possessed of any particular weapon or lathi. She is only daughter of Panna Lal and their house is opposite to house of the complainant. Therefore, the possibility of she only witnessing the incident may not be ruled out, which by itself is not sufficient to include her in the alleged commission of offence.

7. On the other hand, learned State counsel submits that according to the complainant, the applicant and other accused entered the house of Mahendra and assaulted.

8. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicant No.2-**Neelawati** being a lady, no specific criminal overt act or possessed of any weapon is alleged against the applicant No.2, I am inclined to grant bail to the applicant.

9. Accordingly, the application on behalf of applicant No.2-**Neelawati** is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make herself available for interrogation by a Police Officer as and when required;
- (ii) that 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 them from disclosing such facts to the Court or to any Police Officer.
- (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she 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/-
Manindra Mohan Shrivastava
Judge