

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 708 of 2015

Smt. Ramabai Soni W/o Gambulu Soni Aged About 30 years R/o Village- Seenapali,
Post Office & Police Station- Deobhog, District- Gariyaband, Chhattisgarh

----Applicant

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station- Deobhog,
District- Gariyaband, Chhattisgarh

---- Respondent

For Applicant	-	Shri Shivendu Pandya, Advocate
For Respondent/State	-	Shri Vinod Tekam, Panel Lawyer

Order On Board

11/08/2015

Heard.

1. The applicant is apprehending her arrest in connection with Crime No.103/2014 registered at Police Station Deobhog, District- Gariyaband (C.G.) for alleged commission of offence under Section 147, 452, 506(B), 294 of IPC and 4/5 of C.G. Tonahi Pratadna Nivaran Act, 2005.
2. Case of the prosecution on the apprehension is that one Abhinav Soni is playing witchcraft on Khemwati, daughter of co-accused Tankdhar Soni, the applicant and other accused entered the house of Abhinav Soni and assaulted his family members.
3. Learned counsel for the applicant submits that in so far as the present applicant is concerned, all that has been alleged against her is that she also followed other accused and came to the house of Abhinav Soni. Except this, there is no other act alleged against her. There is no evidence of doing any act to identify Abhinav Soni as *Tonahi*.
4. On the other hand, learned State counsel opposes prayer for grant of anticipatory bail and submits that the other co-accused along with the applicant entered the house of Abhinav

Soni and it is alleged that Abhinav Soni was being identified as *Tonahi* which is a criminal overt act under C.G. Tonahi Pratadna Nivaran Act, 2005.

5. Taking into consideration the submission of learned counsel for the parties, nature of role alleged to have been played by the applicant and that there is no specific overt act alleged against her, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, the applicant 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 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 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/-

Manindra Mohan Shrivastava

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