

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 772 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

Shri Shivendu Pandya, counsel for the petitioner/s.
Shri Manish Nigam, Panel Lawyer for the State.

Order On Board

21/08/2015

Heard.

The applicant is apprehending her arrest in connection with Crime No.105/14 registered at police station – Deobhog, Distt.- Gariyaband, CG for alleged commission of offence under Section 147, 452, 294, 506 (B), 323, 427, 324, 342, 334 and 307 of IPC and 4/5 of CG Tonhi Pratadna Nivaran Act, 2005.

2. Prosecution case is that the applicant and other accused surrounded the house of one Sanju Soni compelling him to disclose the identity of one Abhinav Soni alleged to be playing witchcraft in the village. It is alleged that the applicant and other co-accused carrying intention to cause death, assaulted number of persons who were present at the spot and supporting Abhinav Soni and Sanju Soni.

3. Learned counsel for the applicant submits that in so far as the applicant is concerned, there is no specific criminal overt act alleged against her and she is involved only because she was present in the crowd. It is submitted that the injury sustained are only simple in nature and prima facie, no case of commission of offence under Section 307 IPC is made out. Therefore, the applicant may be

granted bail.

4. On the other hand, learned State counsel opposes the bail application and submits that a crowd surrounded the house of Sanju Soni and the manner in which they behaved shows that they wanted to kill the person who was playing witchcraft in the village and in this way, they assaulted many persons and the applicant was also a part of the crowd. Therefore, she is also involved in the alleged offence.

5. Taking into consideration the submission of learned counsel for the parties, background of the incident, nature of injury sustained by the victim and that the applicant is not alleged to have committed any specific overt act, therefore, prima facie, offence under Section 307 IPC is not made out, the application is allowed.

6. 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 arresting officer 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 with following further conditions that:

(i) the applicant shall make herself available for interrogation by the police officer as and when required;

(ii) 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;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge