

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 95 of 2016

Nanbai W/o Birsingh Aged About 65 Years Caste - Khairwar, R/o
Village Beljhiriya, P.S. Marwahi, Distt. Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : P.S. Marwahi, Distt. - Bilaspur,
Chhattisgarh

---- Respondent

For applicant – Shri Rakesh Pandey, Advocate.
For Respondent/State –Shri Arvind Shukla, PL

Hon'ble Shri Justice Goutam Bhaduri

Order

17/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 205 of 2015, registered at Police Station Marwahi, District Bilaspur (C.G.) for offence punishable under 307, 294, 506, 324, 34 of IPC.
2. As per the prosecution case on 7/11/2015 victim Suraj Khairwar was assaulted by Aalha other co-accused along with applicant and one Phoolvasan Bai on the allegation that victim has allowed cattles to graze over the field of the applicant and others.
3. Learned counsel for the applicant submits that allegation of causing hurt is on Aalha and dispute arose all of a sudden because of the grazing of the cattles over the field and there was no intention to commit murder. He further submits that Phoolvasan Bai has already been granted bail by the trial court and against this applicant similar allegations have been levelled, therefore the applicant may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory

bail.

5. Perused the statement of victim and the medical report which shows that victim had one lacerated wound on his forehead and one abrasion. Taking into fact that allegation of assault by axe is attributed to co-accused Aalha, considering the role played by this applicant and applicant being lady aged about 65 years, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and 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 local 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) 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/-
(Goutam Bhaduri)
JUDGE

