

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 218 of 2016**

Aasha Goyal W/o Pradeep Goyal Aged About 38 Years R/o Near
Barejpara Talab, Police Station & Post Ambikapur, Civil And Rev.
District Surguja Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Ambikapur, District
Surguja Chhattisgarh.

---- Respondent

For applicant – Shri Manoj Paranjpe, Advocate.
For Respondent/State – Shri Sumit Jhanwar, PL.
For objector – Shri Mateen Siddiqui, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order****9/03/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 242/2015 registered at Police Station Ambikapur, District Surguja (C.G.) for offence punishable under 294, 323, 506-B, 147, 149, 307 of Indian Penal Code.

2. As per the prosecution case on 18/05/2015 an altercation took place between the complainant and the applicant along with other co-accused. Dispute inflated over a drainage of water. Thereafter, complainant Srinivas was assaulted along with other complainant and report and counter report were made.

3. Learned counsel for the applicant submits that predominantly entire allegations are against other co-accused who have been enlarged on regular bail by the court below considering the nature of injury and the background of the case. He further submits that applicant is a lady of 38 years and it would be a only following procedural fact that she has to surrender and apply for regular bail, therefore her bail application may be considered in the light that she is a lady and no allegation has been

attributed against this applicant.

4. Learned State counsel and counsel for the objector opposes the prayer for grant of bail and submit that applicant is absconding and the applicant along with other co-accused have assaulted the complainant, therefore applicant is not entitled for grant of anticipatory bail.

5. I have perused the bail order of the court below wherein court meticulously have considered background of the case and the way offence has been alleged to have been committed. Taking into fact and the case diary statement, primary allegation appears to be against co-accused who have been enlarged on regular bail. Therefore taking into fact that applicant is a lady and other co-accused have been enlarged on regular bail, 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

gouri