

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 38 of 2016

1. Chinta Markam, D/o. Tiharuram Markam, aged about 28 years, R/o. DNK Colony, Qtr. No., H-3, Kondagaon, Police Station : Kondagaon, District – Kondagaon (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – City Kotwali, Kondagaon, District – Kondagaon (C.G.)

---- Respondent

For Applicant	: Mr. Shivendra Bhardwaj, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/02/2016

1. Apprehending arrest in connection with Crime No.332/2015 registered at Police Station- City Kotwali, Kondagaon, District – Kondagaon (C.G.), for offence punishable under Section 294, 323, 186 & 353 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 24.12.2015 a report was made by the complainant, who is the constable in the police station of the applicant, who is also police constable came there and stated that since the complainant has made a report as such they landed into dispute and the applicant assaulted the complainant, which was intervened by the few of the other police constable thereby the offence is committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as there has been previous dispute was existing between the complainant and the applicant and both are working as lady constable in the police station. He would further submit that all the offences are bailable in nature

except offence under Section 353 of I.P.C. and reading of the statement of the complainant, no case is made out under Section 353 of I.P.C., therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application.
5. Perused the statement of the witnesses. Perusal of the statement shows that both the applicant and the complainant are working as constable and over some official dispute, complaint was made and they entered into scuffle. Taking into the statement, prima-facie it appears that prima-facie the allegation of offence under Section 353 are bleak. Taking into the background of the case and further considering the fact that applicant is also lady working in the government department, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
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 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) 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/-
(Goutam Bhaduri)
Judge