

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 249 /2016

Smt. Leelavati Yadav, W/o. Bahgwan Prasad Yadav, Aged About 48 Years, R/o. Near Indira Stadium, T.P. Nagar Korba, Present Address : Ramsagar Para, Near Daliya Godown, House No. 243/01, Ward No.01, Tahsil & District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Thana City Kotwali Korba, District : Korba, Chhattisgarh

---- Respondent

For Applicant : Mr. Amit Singh, Advocate
For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/03/2016

1. Apprehending arrest in connection with Crime No.73/2016 registered at Police Station- City Kotwali, Korba, District Korba (C.G.) for the offence punishable under Section 354, 294, 323/34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the complainant Anita Yadav used to stay at Sanjay Nagar, Korba and in one more house which is situated at Ramsagar Para, Korba, the complainant and the applicant and their family members both have claimed right over the same house and for that different cases are pending before the Court of SDM at Korba. It is alleged that on 10.02.2016 the complainant who had left some goods in the old house at Ramsagar Para went to fetch them i.e. mark sheet of their children,

at that time, the applicant alongwith her husband and other family members objected to it and thereafter the complainant forcefully entered into the house, which resulted into scuffle and she was assaulted by the husband of the applicant and abused by the applicant.

3. Learned counsel for the applicant would submit that no role has been played by the present applicant. The complainant herself aggravated and she wanted to enter into the house of the applicant and family members. He further submits that since the dispute is going on with respect to the house of Ramsagar Para for which a litigation is pending, apprehending such dispute, initially a report was made to the Superintendent of Police, Korba, that the applicants may be inculpated in a false case. He therefore submits that the applicant has been inculpated in this case and as such she may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the statement of the complainant Anita Yadav. The primary allegations are attributed to the husband of the applicant i.e. Bhagwan Prasad and the statement would show that the complainant wanted to enter into the house, which was objected and at that time the applicant had abused the complainant. Taking into the degree of allegation against the applicant, I am inclined to release the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed.
7. 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 furnishing a personal bond to a 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