

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 653 of 2016

1. Smt. Tara Bai W/o Nadhoram, Aged About 32 Years, Caste Bhunjiya, R/o Village - Khokhama, Post Office And Police Station - Indagaon, District - Gariyaband Chhattisgarh.

2. Smt. Kartika Bai W/o Santuram, Aged About 37 Years Caste, Bhunjiya, R/o Village - Khokhama, Post Office And Police Station - Indagaon, District - Gariyaband Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Indagaon, District Gariyaband Chhattisgarh.

---- Respondent

For applicants –Shri Shivendu Pandya, Advocate.
For Respondent/State – Shri Vinod Tekam, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/08/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 10/2014 registered at Police Station Indagaon, District-Gariyaband (C.G.) for offence punishable under Sections 294, 332, 307, 427, 353, 186, 147, 148, 149 of the Indian Penal Code.

2. As per the prosecution case, over a dispute in a village when police party reached there, the villagers objected to it on the ground that dispute arose because of the devi. When police reached to the village to enquire about this issue villagers objected on the reason that dispute touches with their religious sentiment and the police should not intervene as the earlier dispute was out of result of devi. When police tried to enquire, police party was attacked and their car was damaged and the police fled away.

3. Learned counsel for the applicants submits that applicants have been falsely implicated in the case and applicants being ladies, they may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the statement of the witnesses Janki Dhruv, Pushpa Sinha wherein omnibus statement have been made and in statement of complainant Vikesh police officer under Section 161 of Cr.P.C. these applicants have been named. Considering the omnibus nature of allegation and primarily taking into fact that applicants are ladies and further considering the nature of injuries, I am inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

