

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1021 of 2016

1. Smt. Geetarani Arora & Others W/o Madanlal Aged About 50 Years R/o Bilha, District- Bilaspur, Chhattisgarh.
2. Kawaljit Arora @ Vicky S/o Madanlal Aged About 25 Years R/o Bilha, District- Bilaspur, Chhattisgarh.
3. Manoj @ Mangi S/o Late Ramsharan Aged About 52 Years R/o Bilha, District- Bilaspur, Chhattisgarh.

---- Petitioners

Versus

- State Of Chhattisgarh Through Police Station- Bilha, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Sourabh Dangi Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-11-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 151 of 2016 registered at Police Station Bilha, District Bilaspur (CG) for offence punishable under Sections 294, 323, 341, 325,326, 506 read with Section 34 of the IPC.
2. As per case of the prosecution, a report was made by the complainant Deepak Arora on 14-6-2016 against the present applicants who are related to the complainant. When he asked certain amount to get his mother treated, some altercation took place between the applicants and the complainant and while he was going to make a report, at that time present applicants intercepted him and the applicants along with other co-accused

persons have assaulted him and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicants would submit that there is *inter se* dispute between the family members, there is no intention to cause any injury to the complainant and mainly the allegation of assault is made against Madanlal Arora who is husband of applicant No.1 and father of applicant No.2. it is alleged that he assaulted the complainant by way of cycle air pump and only general allegations have been attributed to the present applicants, therefore, the applicants may be extended the benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and the documents.
6. Perused the statements of the complainant Deepak and Arora and Ashok Arora who is father the complainant wherein direct allegations have been attributed to applicant No.2 Kawaljit Arora and applicant No.3 Manoj @ Mangi.
7. Considering the facts and circumstances of the case and further considering the statements of Deepak Arora and Ashok Arora, I am not inclined to extend benefit of anticipatory bail to applicants No.2 Kawaljit Arora and applicant No.3 Manoj Arora. Accordingly, their bail application filed under Section 438 of the Cr.P.C., is liable to be and is hereby dismissed.
8. So far as applicant No.1 Smt. Geetarani Arora is concerned, considering the facts and circumstances of the case and nature of

allegations leveled against her, I am inclined to release her on anticipatory bail.

9. Accordingly, the anticipatory bail application of applicant No.1 Smt Geetarani Arora 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 her executing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant No.1 shall also abide by the following conditions:

- (i) that the applicant No.1 shall make herself available for interrogation before the Investigating Officer as and when required.
- (ii) that the applicant No.1 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 No.1 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant No.1 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

Raju