

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1706 of 2017**

- Raj Kumari W/o Vinod, Aged About 38 Years Caste Teli, R/o Village Sonhat, Police Station Sonhat, District Koriya, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sonhat, District Koriya, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ashok Kumar Shukla, Advocate
For Respondent/State	: Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****24.4.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.13/2017 registered in Police Station Sonhat Distt. Koriya for the offence punishable under Section 326, 294, 506, 323, 452 of the IPC.

3. Learned counsel for the applicant submits that the applicant has been arrested on 22.02.2017, after investigation charge sheet has been filed before Judicial Magistrate First Class, Baikunthpur on 12.3.2017. Learned counsel for the applicant is not in a position to state the criminal case number. It is further submitted on behalf of the applicant that only one injury that too fracture in

the forearm was reported by the doctor over the body of the injured/complainant, there is no other criminal antecedent and on account of land dispute between the complaint and the applicant, the incident happened, the applicant is a woman, she will not commit any offence in future, hence, she may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would fairly submit that the police has not noticed any criminal antecedent of the present applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is a woman, she is the first offender, considering the fact that the injured/complainant was not hospitalized, the applicant is in jail for about two months and the incident happened on account of some family land dispute, I am inclined to grant one opportunity to the applicant, so that she will not commit any offence in future.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety in the like sum to the satisfaction of Judicial Magistrate First Class, Baikunthpur for her appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE