

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.555 of 2017

- Smt. Padmani Sahni W/o Naram Veer Sahni, Aged About 25 Years Occupation House Wife, R/o Deepa Para, Indira Nagar Road, Raigarh, Police Station - City Kotwali, Tehsil- Raigarh, Revenue & Civil District- Raigaarh, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, City Kotwali Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Surfaraj Khan, Advocate
For Respondent/State	:	Shri Avinash Singh, PL

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2017

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending her arrest in connection with Crime No.86/2017, registered at Police Station–City Kotwali, Raigarh, District Raigarh for alleged commission of offence under Section 294, 506, 324, 389, 307/34 of IPC and Section 25 & 26 of the Arms Act.

3. Case of the prosecution is that the applicant and other co-accused with a common intention, assaulted Shyam Lal Sarthi & Rinku Sarthi and caused grievous injury by sharp-edged weapon. Allegation against the applicant is that she had arrived at the spot and also assaulted Shyam Lal Sarthi & Rinku Sarthi by hands and fists.

4. Learned counsel for the applicant submits that the applicant, who was a pregnant lady, has been falsely implicated in this case. According to injured witnesses-Shyam Lal Sarthi & Rinku Sarthi, they were assaulted by other persons and the applicant was not even holding weapon in her hand. It is submitted that the applicant has been roped in the incident only on the ground that she was present at the spot. In these circumstances, it is prayed that the applicant may be granted

anticipatory bail because she is not likely to abscond or not in a position to hamper the investigation.

5. On the other hand, learned State counsel opposes the prayer for grant of bail on the submission that case diary statement of injured witnesses-Shyam Lal Sarthi & Rinku Sarthi would show that though other co-accused holding weapon in their hand, allegation against the present applicant was that she arrived at the spot and also assaulted with hands and fists.

6. I have considered the submission of learned counsel for the parties and perused the case diary.

7. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicant stated to be pregnant lady, arrived at the spot and did not come out with any weapon nor grievous injury is said to have been caused by the applicant and further that she being a lady, I am inclined to protect the applicant.

8. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

(I) The applicant shall make herself available for interrogation by the police as and when required;

(II) 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 from disclosing such facts to the Court or to any police officer, *and*

(III) The applicant shall cooperate with the investigation as and when she is called.

SD/-
(Manindra Mohan Shrivastava)
Judge